

Exhibit M

From: ED FOIA Manager <EDFOIAManager@ed.gov>
Subject: FOIA Request Acknowledgement 11-01474-F
Date: May 12, 2011 7:17:14 AM PDT
To: Randy Chapel <randychapellegal@gmail.com>
6 Attachments, 2.5 MB



UNITED STATES DEPARTMENT OF EDUCATION

FOIA REQUEST ACKNOWLEDGEMENT

FOIA Tracking Number: 11-01474-F
Name of Requester: Randy Chapel
E-mail Address: randychapellegal@gmail.com
Date of Request: 05/11/2011
Date Request Received: 05/11/2011

Your request (below) has been forwarded to the appropriate office within the Department to search for responsive documents. If you have any questions regarding the status of your request, please contact the FOIA Requester Service Center at (202) 401-8365 or by e-mail at EDFOIAManager@ed.gov (please include the case tracking number).

Thank you.

From: Randy Chapel [mailto:randychapellegal@gmail.com]
Sent: Wednesday, May 11, 2011 4:49 AM
To: ED FOIA Manager; Duncan, Arne; Rose, Charlie; Mula, Chuck
Subject: 20110511_FOIAManagerMulaDuncanRose

see attached

OUS/OPE/OEC/OS

Randy Chapel
PO Box 1050
Boulder Creek, CA 95006
randychapellegal@gmail.com

RECEIVED MAY 11 2011

May 11, 2011

via email and USPS
FOIA Manager (7009 2820 0002 5901 3882)
400 Maryland Avenue, SW
Washington, DC 20202-4651

Honorable Arne Duncan (7009 2820 0002 5901 3875)
Mr. Charles Rose (7009 2820 0002 5901 3868)
400 Maryland Avenue, SW
Washington, DC 20202

Chuck Mula (7009 2820 0002 5901 3851)
1990 K Street NW
Washington, DC 20006

Re: FOIA request 2011-1

Dear FOIA Manager, Secretary Duncan, Mr. Rose, Mr. Mula:

Pursuant to the Federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of records outlined below. I am aware that the Department of Education allows requests to be submitted other than by regular mail.

I defined **WRITINGS** per California Evidence Code Section 250 to mean any "handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored."

I defined **ATS** (Association of Theological Schools) to mean the accreditation agency itself, any board member,

administrator or agent of or attorneys representing the accreditation agency.

I defined NWCCU (Northwest Commission on Colleges and Universities) to mean the accreditation agency itself, any board member, administrator or agent of or attorneys representing the accreditation agency.

I define WESTERN SEMINARY to mean the school known as Western Seminary located in Portland, OR and formally Los Gatos, CA, any board member, instructor, administrator or agent of or attorneys representing the school.

I define JSTB to mean the school known as Jesuit School Of Theology at Berkeley located in Berkeley, CA (aka: Jesuit School Of Theology, *Jesuit School of Theology* at Santa Clara University), any board member, instructor, administrator or agent of or attorneys representing the school.

I define ST. PATRICK'S to mean the school known as St. Patrick's Seminary and University located in Menlo Park, CA, any board member, instructor, administrator or agent of or attorneys representing the school.

I define EDINBURGH to mean the school known as University of Edinburgh located in Edinburgh, Scotland, any board member, instructor, administrator, including any person associated with the School of Divinity or agent of or attorneys representing the school.

I define PEOPLE SET as to the set of real people who's names are: Randy Chapel, Carol Nye-Wilson (aka Carol Wilson, C Wilson, Carol Nye), Debbie Godbey (aka Debbie Brumbaugh Debra Brumbaugh, Deb Brumbaugh, Deb Godbey), Willard Brumbaugh, Paul Godbey, Dale Wilson, Kevin Ford, Jill Ford, Justin Nye, Steve Korch, Gary Tuck, Matt Tuck, Bert Downs, Randy Roberts, Rob Wiggins, William Dresser, John Hannon, James Cai, Seth

Wicner, Samuel Phillips, Cheryl Oldham, Nancy C. Regan, Matthew Geyer, Chuck Mula, Carol Griffiths, Diane Auer Jones (aka Diane Jones), Margaret Spellings, Leonard Sprinkles, Anthony Lauria, Linda McPharlin, Jonathan Radmacher, Ellen Hung, Andrew Adler, DeNise L. Hill, Kent Talbert, Donna Witman, Daniel Aleshire, Jeremiah McCarthy, Charles Willard, Tom Johnson, Sandra Elman, Arne Duncan, Charles Rose, Maria-Teresa Cueva, Bennie Jessup, Mazie Hirono, Ed McFarlane, Al Johnson, Sally Warner.

The use of the word *between* in the following requests shall mean: addressed to a person found in the PEOPLE SET OR from a person found in the PEOPLE SET OR sent via cc: to a person in the PEOPLE SET OR sent via bcc to a person in the PEOPLE SET. For example: the various July 2008 communications between Chuck Mula and various people associated with NWCCU, when the Department asked NWCCU for a favor to write a statement the Department could use against Randy. These WRITINGS would be produced for category #19.

I seek the following category of items. Please indicate in the production, which set of materials correlates to which category of items. These materials should be sought from: Office of the Under Secretary, Office of the Deputy Secretary, Office of Postsecondary Education, Office of the General Counsel, Office of the Secretary. I am aware that the bulk of the materials are likely to be held by Chuck Mula.

WESTERN SEMINARY

1. WRITINGS from September 1999 to the present, *between* ATS and WESTERN SEMINARY that the U.S. Department of Education has in its possession, custody and control that relates to Randy Chapel.
2. WRITINGS from September 1999 to the present, *between* NWCCU and WESTERN SEMINARY that the U.S. Department of Education has in its possession, custody and control that relates to Randy Chapel.
3. WRITINGS from January 2007 to the present, *between* EDINBURGH and WESTERN SEMINARY that the U.S. Department of Education has in its possession, custody and control that relates to Randy Chapel.

that the U.S. Department of Education has in its possession, custody and control that relates to Randy Chapel.

4. **WRITINGS** from Aug 2006 to the present, *between ST. PATRICK'S and WESTERN SEMINARY* that the U.S. Department of Education has in its possession, custody and control that relates to Randy Chapel.
5. **WRITINGS** from December 2006 to the present, *between JSTB and WESTERN SEMINARY* that the U.S. Department of Education has in its possession, custody and control that relates to Randy Chapel.
6. **WRITINGS** from March 2006 to the present, *from WESTERN SEMINARY* to (any person or accreditation agency or business entity) that the U.S. Department of Education has in its possession, custody and control.
7. **WRITINGS** from March 2006 to the present, from (any person or accreditation agency or business entity) *to WESTERN SEMINARY* that the U.S. Department of Education has in its possession, custody and control.
8. **WRITINGS** from March 2006 to the present, from (any person or accreditation agency or business entity) *cc: to WESTERN SEMINARY* that the U.S. Department of Education has in its possession, custody and control.
9. **WRITINGS** from March 2006 to the present, *between any employee of the Office of the General Counsel and WESTERN SEMINARY* that the U.S. Department of Education has in its possession, custody and control.
10. **WRITINGS** from March 2006 to the present, *between any employee of the Office of Postsecondary Education and WESTERN SEMINARY* that the U.S. Department of Education has in its possession, custody and control.

2

11. **WRITINGS** from March 2006 to the present, *between any employee of the Office of the Under Secretary and WESTERN SEMINARY* that the U.S. Department of Education has in its possession, custody and control.
12. **WRITINGS** from March 2006 to the present, *between any employee of the Office of the Deputy Secretary and WESTERN SEMINARY* that the U.S. Department of Education has in its possession, custody and control.
13. **WRITINGS** from March 2006 to the present, *between any employee of the Office of the Secretary and WESTERN SEMINARY* that the U.S. Department of Education has in its possession, custody and control.
14. **WRITINGS** from March 2006 to the present, *between any employee of the U.S. Department of Education and WESTERN SEMINARY* concerning any accreditation violation by **WESTERN SEMINARY** as it relates to Randy Chapel.
15. **WRITINGS** from March 2006 to the present, *between any employee of the U.S. Department of Education and WESTERN SEMINARY* concerning any law violation by **WESTERN SEMINARY** as it relates to Randy Chapel.

ATS

16. **WRITINGS** from March 2006 to the present, *between any employee of the (Office of Postsecondary*

Education OR Office of the General Counsel) and ATS that the U.S. Department of Education has in its possession, custody and control that relates to Randy Chapel. These WRITINGS may involve *one or more of any of the following people* within the PEOPLE GROUP.

17. WRITINGS from March 2006 to the present, *between* any employee of the (Office of Postsecondary Education OR Office of the General Counsel) and ATS that the U.S. Department of Education has in its possession, custody and control that relates to Carol Nye-Wilson. These WRITINGS may involve *one or more of any of the following people* within the PEOPLE GROUP.
18. WRITINGS from March 2006 to the present, *between* any employee of the (Office of Postsecondary Education OR Office of the General Counsel) and ATS that the U.S. Department of Education has in its possession, custody and control that relates to Kevin Ford. These WRITINGS may involve *one or more of any of the following people* within the PEOPLE GROUP.

NWCCU

19. WRITINGS from March 2006 to the present, *between* any employee of the (Office of Postsecondary Education OR Office of the General Counsel) and NWCCU that the U.S. Department of Education has in its possession, custody and control that relates to Randy Chapel. These WRITINGS may involve *one or more of any of the following people* within the PEOPLE GROUP.
20. WRITINGS from March 2006 to the present, *between* any employee of the (Office of Postsecondary Education OR Office of the General Counsel) and NWCCU that the U.S. Department of Education has in its possession, custody and control that relates to Carol Nye-Wilson. These WRITINGS may involve *one or more of any of the following people* within the PEOPLE GROUP.
21. WRITINGS from March 2006 to the present, *between* any employee of the (Office of Postsecondary Education OR Office of the General Counsel) and NWCCU that the U.S. Department of Education has in its possession, custody and control that relates to Kevin Ford. These WRITINGS may involve *one or more of any of the following people* within the PEOPLE GROUP.

MISC

3

22. WRITINGS from March 2006 to the present, *between* any employee of the Office of Postsecondary Education and Randy Chapel that the U.S. Department of Education has in its possession, custody and control. These WRITINGS may involve *one or more of any of the following people* within the PEOPLE GROUP.
23. WRITINGS from March 2006 to the present, *between* any employee of the Office of the General Counsel and Randy Chapel that the U.S. Department of Education has in its possession, custody and control. These WRITINGS may involve *one or more of any of the following people* within the PEOPLE GROUP.
24. WRITINGS from March 2006 to the present, *between* any employee of the Office of the Secretary and Randy Chapel that the U.S. Department of Education has in its possession, custody and control. These WRITINGS may involve *one or more of any of the following people* within the PEOPLE GROUP.
25. WRITINGS from March 2006 to the present, *between* any employee of the Office of Postsecondary Education and Carol Nye-Wilson that the U.S. Department of Education has in its possession, custody and control. These WRITINGS may involve *one or more of any of the following people* within the PEOPLE GROUP.

CONSIDERATIONS

- The U.S. Department of Education may exclude from production any materials Randy Chapel has produced to the U.S. Department of Education since October 2010.
- The U.S. Department of Education may exclude from production any materials in the possession, custody and control of OIG, OCR and FSA.

I agree to pay reasonable duplication fees for the processing of this request in an amount not to exceed \$200. However, please notify me prior to your incurring any expenses in excess of that amount.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregated portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

/s/

Randy Chapel

20110511_FOIAManagerMulaDuncanRose.doc

Exhibit N

From: "Jameson, Richard" <Richard.Jameson@ed.gov>
Subject: **FOIA Request Case #11-01474-F**
Date: May 26, 2011 7:42:40 AM PDT
To: "randychapellegal@gmail.com" <randychapellegal@gmail.com>
1 Attachment, 1.1 MB

Dear Mr. Chapel:

I am contacting you on behalf of the Office of Postsecondary Education, we are reviewing your request along with other offices within the department, the subject matter experts in this area, reviewing your request for case #11-01474-F (attached), is requesting that you narrow the scope of your request, if you could be more specific in terms of defining what documents you are requesting. Please respond at your earliest convenience.

Richard Jameson
Office of Postsecondary Education



11-01474-F.PDF (1.1 MB)

Exhibit O

From: randychapellegal <randychapellegal@gmail.com>

Subject: Re: FOIA Request Case #11-01474-F

Date: May 26, 2011 11:43:34 AM PDT

To: "Jameson, Richard" <Richard.Jameson@ed.gov>, "Arne.Duncan" <Arne.Duncan@ed.gov>, Charles.Rose@ed.gov,
Chuck Mula <chuck.mula@ed.gov>

Cc: carol nyewilson <carolnyewilson@yahoo.com>



Dear Mr. Jameson,

Thank you for your email dated May 26, 2011. This is my reply. Please note that it is being sent to Secretary Duncan, Mr. Rose and Mr. Mula.

On Jan 21, 2009 our President stated:

"The Freedom of Information Act should be administered with a clear presumption: In the face of doubt, **openness prevails**. The Government should not keep information confidential merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears. Nondisclosure should never be based on an effort to protect the personal interests of Government officials at the expense of those they are supposed to serve. In responding to requests under the FOIA, executive branch agencies (agencies) should act promptly and in a spirit of cooperation, recognizing that such agencies are servants of the public.

All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA.

The presumption of disclosure also means that agencies should take affirmative steps to make information public. They should not wait for specific requests from the public. All agencies should use modern technology to inform citizens about what is known and done by their Government. Disclosure should be timely."

Given the potential volume of materials, accept this as my written approval to increase the amount I am willing to pay from \$200 to \$500.

Given the potential volume of materials, accept this as my written approval to extend the time for this FOIA by 10 working days, for a total of 30 working days from May 11, 2011.

As the Department makes the clear presumption in producing materials that **openness prevails**, please insure that any materials that may have been sent to Western Seminary or their attorneys of record regarding any federal/state law or accreditation violation, including attorney misconduct that the Department is aware of should be presented in this FOIA. This most of all, since the letter requesting reconsideration dated Jan 12, 2011 to Ms. Kay Gilcher, Secretary Duncan, Mr. Rose which was received on Jan 19 by the Department.

Because these materials are sensitive in nature and my desire is to seek administrative remedies with the Department, I will in turn agree to a public blackout of these materials I seek until Dec 31, 2011 or until such time as a resolution can be determined or a denial to a FTCA claim has been made or in the unfortunate event that I am caused to file a FOIA case after exhausting my administrative remedies for this FOIA request.

I hope this is reasonable to the Department. Please advise me if there are further concerns.

Above all, I am going to trust that you and others will do your best.

Thank you,

Randy

On May 26, 2011, at 7:42 AM, Jameson, Richard wrote:

Dear Mr. Chapel:

I am contacting you on behalf of the Office of Postsecondary Education, we are reviewing your request along with

other offices within the department, the subject matter experts in this area, reviewing your request for case #11-01474-F (attached), is requesting that you narrow the scope of your request, if you could be more specific in terms of defining what documents you are requesting. Please respond at your earliest convenience.

Richard Jameson
Office of Postsecondary Education

<11-01474-F.PDF>

Exhibit P

Randy Chapel
PO Box 1050
Boulder Creek, CA 95006
randychapellegal@gmail.com

June 24, 2011

via USPS and fax
FOIA Manager (7011 0110 0000 6773 9845)
400 Maryland Avenue, SW
Washington, DC 20202-4651
Fax: 202/401-0920

Re: **FOIA request 11-01474-F**

Dear FOIA Manager:

Included is my letter to **exhaust my administrative remedies** for FOIA request **11-01474-F** to the U.S. Department of Education.

The FOIA request was received on May 11, 2011 (enclosed).

On May 26, 2011, Richard Jameson contacted me (enclosed).

On May 26, 2011, I agreed by stipulation to thirty days from May 11 (enclosed).

Today is June 24 and 31 days since May 11.

No final determination has been made and no documents have been produced.

As I have a right, I do not wish to initiate litigation at this point because I feel a cooperative approach is better suited in resolving this situation. While I do not wish to resort to litigation at this time, because of the time sensitive nature of the requested materials, a legal action may be required if disclosure is not promptly forthcoming. Given the historical tortuous actions by the Department against my life, I have little choice but to sue. If it is a matter of personnel, perhaps hiring a temp to go into the Department's offices and make copies of the documents is in order.

Anything, which is discoverable under the Federal Rules may be released administratively. See *McClellan Ecological Seepage Situation v. Garlucci*, 835 F.2d 1282 (9th Cir. 1987) "**requests under FOIA for information to be utilized in a tort claim cannot be denied on the basis that there is a commercial interest**". *Hernandez v. U.S.*, 1998 WL 230200 (E.D. La.) "**both USPS accident report and USPS driver's personnel file must be released**". Furthermore, the FOIA/information about this case will be made public so that *we the people* can learn what has been going on and to insure that our government corrects those who have done this. See *Favish v. OIC*, 9th Cir., July 12, 2000, "*The statute is a commitment to 'the principle*

that a democracy cannot function unless the people are permitted to know what their government is up to." *Id.* (internal quotations omitted). See also *United States Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 773 (1989) "**[O]fficial information that sheds light on an agency's performance of its statutory duties falls squarely within [FOIA's] statutory purpose.**"; See *Pansy v. Borough of Stroudsburg*, 23 F.3d 772, 792 (3rd Cir. 1994) Reviewing courts should undertake their analysis of FOIA requests by "recognizing the enduring beliefs underlying freedom of information laws: that **an informed public is desirable, that access to information prevents governmental abuse and helps secure freedom, and that, ultimately, government must answer to its citizens.**"

At this point, the Department has been made aware that it has basically taken up the role of covering up child molestation, Section 504 fraud, education fraud, degree fraud and much more with public money. The Department has been noticed that its tortuous actions have destroyed my life and there is no legal foundation for what the Department, ATS, NWCCU and Western has done as they cover for each other and support the Geyer award – that not only was designed to harm me, but to harm America.

I look forward to your reply, as the statute requires.

Thank you for your assistance.

/s/

Randy Chapel

20110624_FOIAManager.doc

Exhibit Q

MEMO

July 26, 2011

via USPS, Facsimile and email

To: EDFOIA Manager
400 Maryland Avenue, SW
Washington, DC 20202
Fax: 202/401-0920
Attorney General Eric Holder
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001
Inspector General Kathleen Tighe
Office of the Inspector General, USDE
400 Maryland Avenue, SW
Washington, D.C. 20202

Sent also to:

President Barack Obama
1600 Pennsylvania Avenue NW
Washington, DC 20500
Fax: 202/456-2461
Secretary Arne Duncan
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202
Mr. Philip Rosenfelt (Acting)
Office of the General Counsel, USDE
400 Maryland Avenue, SW
Washington, DC 20202

From: Randy Chapel
PO Box 1050
Boulder Creek, CA 95006

Major Dale E. Wilson, Ph.D. U.S. Army (ret.)
Carol Nye-Wilson
P.O. Box 711419
Mt. View, HI 96771

Subject: Randy Chapel, Joel Chapel, Dale Wilson, Carol Nye-Wilson's Standard Form 95 FOIAs

2nd NOTICE

This is to confirm that the Department has gammed FOIA request **11-00068-F** as noted on June 27, 2011 to the FOIA manager, Secretary Arne Duncan, President Barack Obama and Attorney General Eric Holder.

This is to confirm that nothing has been produced for the 25 FOIA categories requested on *May 11*, and assigned **11-01474-F**. On *June 24*, the Department was informed that it had not produced anything. At that time, I notified the Department that I moved to **exhaust my administrative remedies**, but did not seek to file a lawsuit at that time.

This is to confirm that nothing has been produced for the 84 FOIA categories requested first on *June 27* (misspelling on page 8) and subsequently revised on *July 5*. This is to confirm that, while the Department has received other 3rd parties 84 FOIA categories, and assigned a number, it has not done so to me. On *July 10* and again here I note, pursuant to Section 7 of the OPEN Government Act of 2007, Pub. L. No. 110-175, agencies must assign an individualized tracking number to requests that will take longer than **ten days** to process, and provide that tracking number to the requester. This has not been done. This is a formal demand for all 84 FOIA categories.

Anything that is discoverable under the Federal Rules may be released administratively. See *McClellan Ecological Seepage Situation v. Garlucci*, 835 F.2d 1282 (9th Cir. 1987) "**requests under FOIA for information to be utilized in a tort claim cannot be denied on the basis that**

Obama, Duncan, Holder, Rosenfelt, OIG & FOIAMgr
 July 26, 2011
 Page 2 of 2

there is a commercial interest". *Hernandez v. U.S.*, 1998 WL 230200 (E.D. La.) "both USPS accident report and USPS driver's personnel file **must be released**". Furthermore, the FOIA/information about this case will be made public so that *we the people* can learn what has been going on and to insure that our government corrects those who have done this. See *Favish v. OIC*, 9th Cir., July 12, 2000, "The statute is a commitment to 'the principle that a democracy cannot function unless the people are permitted to know what their government is up to.'" *Id.* (internal quotations omitted). See also *United States Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 773 (1989) "[O]fficial information that sheds light on an agency's performance of its statutory duties falls squarely within [FOIA's] statutory purpose."; See *Pansy v. Borough of Stroudsburg*, 23 F.3d 772, 792 (3rd Cir. 1994) Reviewing courts should undertake their analysis of FOIA requests by "recognizing the enduring beliefs underlying freedom of information laws: that **an informed public is desirable, that access to information prevents governmental abuse and helps secure freedom, and that, ultimately, government must answer to its citizens.**"

This is to confirm that on *July 15*, the Department was notified that Chuck Mula and others within the Department are passing off records which in no way reflect what has been requested in order to cover up Departmental negligence, fraud and their own personal involvements with these acts. The Inspector General, Mr. Rosenfelt and Secretary Duncan have been notified that *destruction or concealing* of records prior to production is a criminal act (California Penal Code § 135).

This is to confirm that the Department has no records to indicate how many *hundreds of thousands of taxpayer dollars* it has spent to cover up and protect Western Seminary, ATS, NWCCU and itself.

This is to confirm that at least on *July 8* and clearly by *July 18*, the White House is aware of the ongoing lack of production by the Department as well as the FTCA cases, which deal with covering up for a child molester, Section 504 fraud, tax evasion, academic fraud, etc.

20110726_DuncanRosenfeltOIGFOIAMgretc.doc

Exhibit R

Randy Chapel
PO Box 1050
Boulder Creek, CA 95006
randychapellegal@gmail.com

Aug 5, 2011

via FedEx
FOIA Manager (8757 0759 6427)
400 Maryland Avenue, SW
Washington, DC 20202-4651
Fax: 202/401-0920

Re: FOIA request 11-01474-F & 11-01901-F

Dear FOIA Manager:

This is the **third** reminder that I have not received anything for request **11-01474-F**. This is the **second** reminder that I have not received anything for request **11-01901-F**.

This is also my notice that I have **exhausted my administrative remedies** for FOIA requests **11-01901-F** as the Department has failed to produce anything as required within 20 business days per statute.

11-01474-F

The FOIA sent/request was received on May 11, 2011 (enclosed). On May 26, 2011, Richard Jameson contacted me (enclosed). On May 26, 2011, I agreed by stipulation to thirty days from May 11 (enclosed) and reminded the Department of President Obama's memo regarding production. No effort has been made by the Department to further any additional communication regarding this request.

Today is Aug 5 and **60** business days since May 11. As of this date, **no** final determination has been made and **no** documents have been produced.

11-01901-F

The FOIA request was sent via fax on June 27, 2011 (enclosed). This request was then updated on July 5, 2011 (enclosed). The Department has failed to acknowledge the July 5, 2011 revision to the June 27, 2011. Furthermore, the Department failed to provide a number for this request as noted on July 10, 2011 (enclosed).

A second notice went out concerning the Department failing to provide a number for this request and due to not producing anything within the 10-day time frame as noted on July 26, 2011 (enclosed). This 2nd notice was sent to the Department and the White House. The Department finally acknowledged the request on July 28, 2011 and noted that the FOIA request

was actually received on June 28 (enclosed).

Today is Aug 5 and 27 business days since June 28 and 23 business days since July 5. As of this date, **no** final determination has been made and **no** documents have been produced.

It can be reasonably asserted that requests **11-01474-F** and **11-01901-F** can be produced by the following current/previous employees OR the following employees are likely to have access to such information due to job description and job tasks: Chuck Mula, Nancy C. Regan, Carol Griffiths, Kay Gilcher, Edgar Mayes, Tanya Monroe, Cheryl Oldham, Diane Auer Jones (aka Diane Jones), Margaret Spellings, DeNise L. Hill, Kent Talbert, Donna Wittman, Arne Duncan, Charles Rose, Maria-Teresa Cueva, Bennie Jessup, Sally Warner, J. Carolyn Adams, Kent Talbert, Charles P. Rose, Philip Rosenfelt and Richard Jameson.

As I have a right, I do not wish to initiate litigation at this point because I feel a cooperative approach is better suited in resolving this situation. While I do not wish to resort to litigation at this time, because of the time sensitive nature of the requested materials, a legal action may be required if disclosure is not promptly forthcoming. Given the historical tortuous actions by the Department against my life, I have little choice but to sue and make public what the Department is doing and has done.

At this point, the Department has been made aware that it has basically taken up the role of covering up child molestation, Section 504 fraud, education fraud, degree fraud and much more with public money. The Department has been noticed that its tortuous actions have destroyed my life and there is no legal foundation for what the Department, ATS, NWCCU and Western has done as they cover for each other and support the Geyer award – that not only was designed to harm me, but to harm America.

I look forward to your reply, as the statute requires.

Thank you for your assistance.

/s/

Randy Chapel

20110805_FOIAManager.doc

Exhibit S

07/05/2011 18:19 TEL 808 9 1371

Dale Wilson

001

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	0861
CONNECTION TEL	
SUBADDRESS	
CONNECTION ID	
ST. TIME	07/05 18:17
USAGE T	02'24
PGS. SENT	5
RESULT	OK

FAX: 202/401-0920
TO: EDFOIA MANAGER
Date: 7-5-11
FROM: RANDY CHAPEL
FAX: 808-968-1371
RE: REVISED FOIA REQUEST

From: randychapellegal <randychapellegal@gmail.com>
Date: July 5, 2011 7:39:32 PM PDT
To: ED FOIA Manager <EDFOIAManager@ed.gov>
Subject: 20110705_FOIARequest(revised).pdf

via email and fax
FOIA Manager
400 Maryland Avenue, SW
Washington, DC 20202-4651
Fax: 202/401-0920

REVISED FOIA REQUEST (July 5, 2011)

Pursuant to the Federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of records outlined below. I am aware that the Department of Education allows requests to be submitted other than by regular mail.

I defined **ATS** (Association of Theological Schools) to mean the accreditation agency itself, any board member, administrator or agent of or **attorneys representing the accreditation agency**.

I defined **NWCCU** (Northwest Commission on Colleges and Universities) to mean the accreditation agency itself, any board member, administrator or agent of or **attorneys representing the accreditation agency**.

I define **WESTERN SEMINARY** to mean the school known as Western Seminary located in Portland, OR and formerly Los Gatos, CA, any board member, instructor, administrator or agent of or **attorneys representing the school**.

I define **JSTB** to mean the school known as Jesuit School Of Theology at Berkeley located in Berkeley, CA (aka: Jesuit School Of Theology, *Jesuit School of Theology* at Santa Clara University), any board member, instructor, administrator or agent of or **attorneys representing the school**.

I define **ST. PATRICK'S** to mean the school known as St. Patrick's Seminary and University located in Menlo Park, CA, any board member, instructor, administrator or agent of or **attorneys representing the school**.

I define **EDINBURGH** to mean the school known as University of Edinburgh located in Edinburgh, Scotland, any board member, instructor, administrator, including any person associated with the School of Divinity or agent of or **attorneys representing the school**.

I define **records** as defined in 34 CFR § 5.2. Likely places these records can be found: FERPA/FPCO, OCR, FSA, Office of Postsecondary Education, Office of the General Counsel, Office of the Secretary, ASL, AAEU.

1. Any records in 2008 that indicate Chuck Mula's supervisor's name.
2. Any records in 2008 that indicate Cheryl Oldham's supervisor's name.
3. Any records in 2008 that indicate Nancy C. Regan's supervisor's name.
4. Any records in 2008 that indicate Carol Griffiths's supervisor's name.
5. Any records in 2008 that indicate Diane Auer Jones's supervisor's name.
6. Department organizational directories or charts showing all supervisors from Chuck Mula's position to Margaret Spellings from March 2007- Jan 15, 2009.
7. All Department records between Chuck Mula and **ATS** from March 2007 to the current date concerning Randy Chapel or Carol Nye-Wilson or Kevin Ford.
8. All Department records between Chuck Mula and **NWCCU** from March 2007 to the current date concerning Randy Chapel or Carol Nye-Wilson or Kevin Ford.
9. All Department records between Chuck Mula and Randy Chapel from March 2007 to current date.
10. All Department records between Chuck Mula and Carol Nye-Wilson from March 2007 to the current date.
11. All Department records between Chuck Mula and **WESTERN SEMINARY** from March 2007 to today concerning Randy Chapel or Carol Nye-Wilson or Kevin Ford.
12. All Department records between the Department and **ATS** from 2006 to today concerning Randy Chapel or Carol Nye-Wilson or Kevin Ford.
13. All Department records between the Department and **NWCCU** from 2006 to today concerning Randy Chapel or Carol Nye-Wilson or Kevin Ford.
14. All Department records between the Department and **WESTERN SEMINARY** from 2005 to today concerning Randy Chapel or Carol Nye-Wilson or Kevin Ford. *OCR may exclude records dated from 2005-2009 as they have already been produced.*
15. All Department records between the Department and **EDINBURGH** from 2007 to today concerning Randy Chapel or Carol Nye-Wilson or Kevin Ford.
16. All Department records between the Department and **JSTB** from 2007 to today concerning Randy Chapel or Carol Nye-Wilson or Kevin Ford.
17. All Department records between the Department and **ST. PATRICK'S** from 2007 to today concerning Randy Chapel or Carol Nye-Wilson or Kevin Ford.
18. All Department records between the Department and Matthew Geyer from March 2007 to today, concerning Randy Chapel or Carol Nye-Wilson or Kevin Ford.
19. All Department records between the Department and Leonard Sprinkles from March 2007 to today, concerning Randy Chapel or Carol Nye-Wilson or Kevin Ford.
20. All Department records between the Department and Debbie Godbey (aka Debbie Brumbaugh Debra Brumbaugh, Deb Brumbaugh, Deb Godbey) from March 2007 to today, concerning Randy Chapel or Carol Nye-Wilson or Kevin Ford.
21. All Department records between the Department and Willard Brumbaugh from March 2007 to the current date, concerning Randy Chapel or Carol Nye-Wilson or Kevin Ford.
22. All Department records between the Department and Paul Godbey from March 2007 to the current date, concerning Randy Chapel or Carol Nye-Wilson or Kevin Ford.
23. All Department records between the Department and (Susan Chapel or her attorney) from March 2007 to the current date, concerning Randy Chapel or Carol Nye-Wilson or Kevin Ford.
24. All Department records between the Department and Matt Tuck from March 2007 to the current date, concerning Randy Chapel or Carol Nye-Wilson or Kevin Ford.
25. All Department records that support the conclusions of the Nancy C. Regan letter to John Hannon in Sept 2008.

26. All Department records that support the conclusions of the Nancy C. Regan letter to Sandra E. Elman in Aug 2008.
27. All Department records that support the conclusions of the Nancy C. Regan letter to Daniel O. Aleshire in Aug 2008.
28. The ATS "exception" policy in effect on March 14, 2006.
29. The ATS 34 CFR § 602.22 policy in effect on March 14, 2006.
30. The ATS 34 CFR § 602.22 policy in effect on August 29, 2008.
31. The current ATS 34 CFR § 602.22 policy.
32. The NWCCU "exception" policy in effect on March 14, 2006.
33. The NWCCU 34 CFR § 602.22 policy in effect on March 14, 2006.
34. The NWCCU 34 CFR § 602.22 policy in effect on August 29, 2008.
35. The current NWCCU 34 CFR § 602.22 policy.
36. All Department records concerning reviews conducted under 34 CFR §602.33 for ATS since 2000.
37. All Department records concerning reviews conducted under 34 CFR §602.33 for NWCCU since 2000.
38. All Department records concerning ATS compliance reports submitted under 34 CFR §602.31(c) since 2000.
39. All Department records concerning ATS compliance reports submitted under 34 CFR §602.31(c) that indicate the 2006 annual report submitted by Western Seminary showing substantive changes to the Th.M. degree offered to Randy Chapel at the San Jose campus for 12 M.Div credits to count for Th.M. credits.
40. All Department records concerning NWCCU compliance reports submitted under 34 CFR §602.31(c) since 2000.
41. All Department records concerning NWCCU compliance reports submitted under 34 CFR § 602.31(c) that demonstrated the 2006 annual report filed by Western Seminary listed 12 credits of courses offered outside the NWCCU region to count for the Th.M. degree that were never previously offered by Western.
42. All Department records concerning NWCCU compliance reports submitted under 34 CFR § 602.31(c) that demonstrated the 2006 annual report filed by Western Seminary listed 12 credits of courses were planned for outside the NWCCU region to count for the Th.M. degree.
43. All Department records concerning NWCCU compliance reports submitted under 34 CFR § 602.31(c) that demonstrated the 2007 annual report filed by Western Seminary that listed 12 credits of courses offered or planned outside the NWCCU region to count for the Th.M. degree as they were never previously offered or planned by Western.
44. All Department records concerning ATS expansion of scope submitted under 34 CFR §602.31(b) since 2000.
45. All Department records concerning NWCCU expansion of scope submitted under 34 CFR §602.31(b) 2000.
46. All Department records concerning ATS continued recognition submitted under 34 CFR §602.31(a) since 2000.
47. All Department records concerning NWCCU continued recognition submitted under 34 CFR §602.31(a) since 2000.
48. All Department records concerning ATS and 34 CFR §602.33 since 2000.
49. All Department records concerning NWCCU and 34 CFR §602.33 since 2000.

50. All Department records for citations on or around May - June 2008 to any accreditation agency other than ATS or NWCCU to whom the Department issued citations for policies or procedures regarding either rejecting or tabling complaints to agencies from any complainants who had filed lawsuits against schools accredited by their respective agency.
51. All Department information notices to all accreditation agencies stating they must not have policies or procedures regarding either rejecting or tabling complaints to agencies from any complainants who filed lawsuits against schools accredited by their agency.
52. All Department records concerning ATS 34 CFR §602 et seq noncompliance since 2000.
53. All Department records concerning NWCCU 34 CFR §602 et seq noncompliance since 2000.
54. All Department records of senior Department official decisions concerning ATS since 2000.
55. All Department records of senior Department official decisions concerning NWCCU since 2000.
56. The ATS standards or procedures that override *Mury R. v. B. & R. Corp.*, 149 Cal. App. 3d 308 (1983) as of March 14, 2006.
57. The NWCCU policies or standards that override *Mury R. v. B. & R. Corp.*, 149 Cal. App. 3d 308 (1983) as of March 14, 2006.
58. The ATS "exception" standards or policies in which schools have a business practice of overriding the law as of 1999.
59. All records between the Department and ATS concerning standards or procedures for exceptions since 1999.
60. All ATS standards or procedures that give ATS authority over March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary.
61. All ATS standards or procedures that give NWCCU authority over March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary.
62. All Department records concerning ATS' review of the March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary.
63. All Department records concerning NWCCU's review of the March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary.
64. All Department records involving the General Counsel decisions concerning the March 14, 2006 settlement agreement involving Randy Chapel.
65. The settlement agreement involving Randy Chapel and Western Seminary that provides ATS has authority to make determinations regarding the settlement agreement or the validity of the settlement agreement (e.g., which settlement agreement is Nancy C. Regan using - because I don't have a copy of this). Refer to page 2, second to last paragraph of the July 18, 2008 Daniel Aleshire to John Hannon, Randal Roberts, Joyce Jones, Chuck Mula. Refer to page 2, last paragraph of the July 21, 2008 Daniel Aleshire to John Hannon, Randal Roberts. Refer to page 2, bullet 2 and 3 of the Nancy C. Regan letter to Sandra Elman dated Aug 29, 2008.44
66. The settlement agreement involving Randy Chapel and Western Seminary that provides NWCCU has authority to make determinations regarding the settlement agreement or the validity of the settlement agreement (e.g., which settlement agreement is Nancy C. Regan using - because I don't have a copy of this). Refer to page 2, bullet 4 of the Nancy C. Regan letter to Sandra Elman dated Aug 29, 2008
67. Records of any ATS policies that gives schools authority to exceed or waive State law.
68. Records of any ATS policies that gives schools authority to exceed or waive any decisional cases.
69. Records of any ATS policies that gives schools authority to exceed or waive FERPA.
70. Records of any ATS policies that gives schools authority to exceed or waive Federal law.
71. Records of any NWCCU policies that gives schools authority to exceed or waive State law.

72. Records of any NWCCU policies that gives schools authority to exceed or waive any decisional cases.
73. Records of any NWCCU policies that gives schools authority to exceed or waive FERPA.
74. Records of any NWCCU policies that gives schools authority to exceed or waive Federal law.
75. Records that give WESTERN SEMINARY authority to exceed or waive State law.
76. Records that give WESTERN SEMINARY authority to exceed or waive any decisional cases.
77. Records that give WESTERN SEMINARY authority to exceed or waive FERPA.
78. Records that give WESTERN SEMINARY authority to exceed or waive Federal law.
79. Records between DeNise.L.Hill@ed.gov and cwils60@hotmail.com
80. Records between donna.wittman@ed.gov and cwils60@hotmail.com
81. Records that show *who* the "appropriate staff" member(s) was to whom Edgar Mayes forwarded Randy Chapel's communications sent to Arne Duncan in the summer of 2010 (June – Aug).
82. Records that show *who* the "appropriate staff" member(s) was to whom Edgar Mayes forwarded Carol Nye-Wilson's communications sent to Arne Duncan in the summer of 2010 (June – Aug).
83. Records that show *who* the "appropriate staff" member(s) was to whom Edgar Mayes forwarded on or before May 19, 2008, Carol Nye-Wilson's letter dated 5-14-08 to Margaret Spellings facts regarding TWO AT-RISK STUDENTS of Western Seminary.
84. Records that show *who* the "appropriate staff" member(s) was to whom Edgar Mayes forwarded on or before February 26, 2008, John Hannon's letter dated 2-26-08 to Margaret Spellings regarding complaints by Randy Chapel and Carol Nye-Wilson that Mr. Mula has not properly dealt with ATS and NWCCU.

I agree to pay reasonable duplication fees for the processing of this request in an amount not to exceed \$500. However, please notify me prior to your incurring any expenses in excess of that amount.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregated portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

/s/ (signifies signature via e-mail)

Randy Chapel
P.O. Box 1050
Boulder Creek, CA 95006
randychapellegal@gmail.com

or
P.O. Box 711419
Mt. View, HI 96771

20110705_FOIARequest(revised).doc

Exhibit T

Randy Chapel
PO Box 1050
Boulder Creek, CA 95006
randychapellegal@gmail.com

July 10, 2011

via Facsimile, USPS and email
Honorable Arne Duncan
Mr. Charles Rose
400 Maryland Avenue, SW
Washington, DC 20202

Sent also to:
President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

FOIA Manager
400 Maryland Avenue, SW
Washington, DC 20202-4651
Fax: 202/401-0920

U.S. Attorney General Eric Holder
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Re: Randy Chapel, Joel Chapel, Dale Wilson, Carol Nye-Wilson's Standard Form 95
FOIAs

Dear Honorable Duncan, Mr. Rose and other parties:

This is to acknowledge receipt of the standard form 95 upon the U.S. Department of Education, and the Department of Justice (Eric Holder). I have also been advised that the Whitehouse is also aware of the issues found in the SF 95 concerning the employees of the Department and Margaret Spellings as of July 8, 2011.

Six months from July 5 is Jan 5, 2012.

The Department already knows the truth behind the claims found in the standard form 95 as shown by the evidences, some of which the Department is intentionally withholding. At this point the press and public are likely to assume that the Department is guilty and is intentionally covering for Western, ATS, NWCCU, etc. Given the state of our nation and because hundreds of thousands of dollars have been used to cover for Western, ATS, NWCCU, etc.; this is likely to set off groups from both sides of the aisle - not to mention 3rd parties with various concerns.

What started by the Spellings administration's mismanagements and screw-up, will be construed as Obama/Holder/Duncan failures because of politics. You need to end this now and do what is right.

I have two pending FOIA requests. One, well overdue and another without a tracking number as required by *Section 7 of the OPEN Government Act of 2007, Pub. L. No. 110-175*. The Department is to produce materials as requested, so that we can determine what claims can be raised. Production is not an admission. It is reasonable that more people are going to start asking questions and the lack of production and withholding things will likely cause more people to get involved. Due to the need of the U.S. Department of Education to make false and misleading records with the intent to cover what has happen and harm me personally, likely this will get out of hand very quickly.

Our nation needs to know about the war against the people that employees of the Spellings administration were involved in, the names and parties they supported with tax money, what the parties did and the lengths they will go to destroy anyone in their path. I have no interest to live a life or support these lies that are being forced upon me. This could very well end in tragedy and perhaps that is what the Spellings administration really wanted all along.

/s/

Randy Chapel

20110710_DuncanRoseHolderObamaFOIAMgr.doc

Exhibit U

From: Beach Girl <surfergirlhbca@yahoo.com>
Subject: Re: FOIA Request Acknowledgement 11-01852-F
To: "ED FOIA Manager" <EDFOIAManager@ed.gov>
Date: Friday, August 19, 2011, 12:34 PM

ED FOIA:

You have failed to provide documents within the 20-day required time according to the FOIA. Please immediately provide my requests to me free of charge. Thanks.

Marie Haig

From: ED FOIA Manager <EDFOIAManager@ed.gov>
To: Beach Girl <surfergirlhbca@yahoo.com>
Sent: Tuesday, July 19, 2011 9:47 AM
Subject: FOIA Request Acknowledgement 11-01852-F

UNITED STATES DEPARTMENT OF EDUCATION

FOIA REQUEST ACKNOWLEDGEMENT

FOIA Tracking Number: 11-01852-F
Name of Requester: MarieHaig
E-mail Address: surfergirlhbca@yahoo.com
Date of Request: 07/17/2011
Date Request Received: 07/18/2011

Your request (below) has been forwarded to the appropriate office within the Department to search for responsive documents. If you have any questions regarding the status of your request, please contact the FOIA Requester Service Center at (202) 401-8365 or by e-mail at EDFOIAManager@ed.gov (please include the case tracking number).

Thank you.

From: Beach Girl [<mailto:surfergirlhbca@yahoo.com>]
Sent: Sunday, July 17, 2011 2:55 PM
To: ED FOIA Manager

Subject: 14 JUL 11 FOIA REQUEST revised

MarieHaig
40575 California Oaks
D2, Box 166
Murrieta, CA 92562
surfergirlhbca@yahoo.com

14 JUL 11

via email
FOIA Manager
400 Maryland Avenue, SW
Washington, DC 20202-4651
Fax: 202/401-0920

FOIA REQUEST

Pursuant to the Federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of records outlined below. I am aware that the Department of Education allows requests to be submitted other than by regular mail.

I defined **ATS** (Association of Theological Schools) to mean the accreditation agency itself, any board member, administrator or agent of or **attorneys representing the accreditation agency**.

I defined **NWCCU** (Northwest Commission on Colleges and Universities) to mean the accreditation agency itself, any board member, administrator or agent of or **attorneys representing the accreditation agency**.

I define **WESTERN SEMINARY** to mean the school known as Western Seminary located in Portland , OR and formally Los Gatos , CA , any board member, instructor, administrator or agent of or **attorneys representing the school**.

I define **JSTB** to mean the school known as Jesuit School Of Theology at Berkeley located in Berkeley, CA (aka: Jesuit School Of Theology, *Jesuit School of Theology* at Santa Clara University), any board member, instructor, administrator or agent of or **attorneys representing the school**.

I define **ST. PATRICK'S** to mean the school known as St. Patrick's Seminary and University located in Menlo Park, CA, any board member, instructor, administrator or agent of or **attorneys**

representing the school.

I define **EDINBURGH** to mean the school known as University of Edinburgh located in Edinburgh , Scotland , any board member, instructor, administrator, including any person associated with the School of Divinity or agent of or **attorneys representing the school**.

I define **records** as defined in 34 CFR § 5.2. Likely places these records can be found: FERPA/FPCO, OCR, FSA, Office of Postsecondary Education, Office of the General Counsel, Office of the Secretary, ASL, AAEU.

1. Any records in 2008 that indicate Chuck Mula's supervisor's name.
2. Any records in 2008 that indicate Cheryl Oldham's supervisor's name.
3. Any records in 2008 that indicate Nancy C. Regan's supervisor's name.
4. Any records in 2008 that indicate Carol Griffiths's supervisor's name.
5. Any records in 2008 that indicate Diane Auer Jones's supervisor's name.
6. Department organizational directories or charts showing all supervisors from Chuck Mula's position to Margaret Spellings from March 2007- Jan 15, 2009.
7. All Department records between Chuck Mula and **ATS** from March 2007 to the current date concerning Randy Chapel or Carol Nye-Wilson.
8. All Department records between Chuck Mula and **NWCCU** from March 2007 to the current date concerning Randy Chapel or Carol Nye-Wilson.
9. All Department records between Chuck Mula and Randy Chapel from March 2007 to current date.
10. All Department records between Chuck Mula and Carol Nye-Wilson from March 2007 to the current date.
11. All Department records between Chuck Mula and **WESTERN SEMINARY** from March 2007 to today concerning Randy Chapel or Carol Nye-Wilson.
12. All Department records between the Department and **ATS** from 2006 to today concerning Randy Chapel or Carol Nye-Wilson.
13. All Department records between the Department and **NWCCU** from 2006 to today concerning Randy Chapel or Carol Nye-Wilson.
14. All Department records between the Department and **WESTERN SEMINARY** from 2005 to today concerning Randy Chapel or Carol Nye-Wilson. *OCR may exclude records dated from 2005-2009 as they have already been produced.*
15. All Department records between the Department and **EDINBURGH** from 2007 to today concerning Randy Chapel or Carol Nye-Wilson.
16. All Department records between the Department and **JSTB** from 2007 to today concerning Randy Chapel.
17. All Department records between the Department and **ST. PATRICK'S** from 2007 to today concerning Randy Chapel.

18. All Department records between the Department and Matthew Geyer from March 2007 to today, concerning Randy Chapel or Carol Nye-Wilson.
19. All Department records between the Department and Leonard Sprinkles from March 2007 to today, concerning Randy Chapel or Carol Nye-Wilson.
20. All Department records between the Department and Debbie Godbey (aka Debbie Brumbaugh Debra Brumbaugh, Deb Brumbaugh, Deb Godbey) from March 2007 to today, concerning Randy Chapel or Carol Nye-Wilson.
21. All Department records between the Department and Willard Brumbaugh from March 2007 to the current date, concerning Randy Chapel or Carol Nye-Wilson.
22. All Department records between the Department and Paul Godbey from March 2007 to the current date, concerning Randy Chapel or Carol Nye-Wilson.
23. All Department records between the Department and (Susan Chapel or her attorney) from March 2007 to the current date, concerning Randy Chapel or Carol Nye-Wilson.
24. All Department records between the Department and Matt Tuck from March 2007 to the current date, concerning Randy Chapel or Carol Nye-Wilson.
25. All Department records that support the conclusions of the Nancy C. Regan letter to John Hannon in Sept 2008.
26. All Department records that support the conclusions of the Nancy C. Regan letter to Sandra E. Elman in Aug 2008.
27. All Department records that support the conclusions of the Nancy C. Regan letter to Daniel O. Aleshire in Aug 2008.
28. The **ATS** "exception" policy in effect on March 14, 2006.
29. The **ATS** 34 CFR § 602.22 policy in effect on March 14, 2006.
30. The **ATS** 34 CFR § 602.22 policy in effect on August 29, 2008.
31. The current **ATS** 34 CFR § 602.22 policy.
32. The **NWCCU** "exception" policy in effect on March 14, 2006.
33. The **NWCCU** 34 CFR § 602.22 policy in effect on March 14, 2006.
34. The **NWCCU** 34 CFR § 602.22 policy in effect on August 29, 2008.
35. The current **NWCCU** 34 CFR § 602.22 policy.
36. All Department records concerning reviews conducted under 34 CFR §602.33 for **ATS** since 2000.
37. All Department records concerning reviews conducted under 34 CFR §602.33 for **NWCCU** since 2000.
38. All Department records concerning **ATS** compliance reports submitted under 34 CFR §602.31(c) since 2000.
39. All Department records concerning **ATS** compliance reports submitted under 34 CFR §602.31(c) that indicate the 2006 annual report submitted by Western Seminary showing substantive changes to the Th.M. degree offered to Randy Chapel at the San Jose campus for 12 M.Div credits to count for Th.M. credits.

40. All Department records concerning **NWCCU** compliance reports submitted under 34 CFR §602.31(c) since 2000.
41. All Department records concerning **NWCCU** compliance reports submitted under 34 CFR § 602.31(c) that demonstrated the 2006 annual report filed by Western Seminary listed 12 credits of courses offered outside the **NWCCU** region to count for the Th.M. degree that were never previously offered by.
42. All Department records concerning **NWCCU** compliance reports submitted under 34 CFR § 602.31(c) that demonstrated the 2006 annual report filed by Western Seminary listed 12 credits of courses were planned for outside the **NWCCU** region to count for the Th.M. degree.
43. All Department records concerning **NWCCU** compliance reports submitted under 34 CFR § 602.31(c) that demonstrated the 2007 annual report filed by Western Seminary that listed 12 credits of courses offered or planned outside the **NWCCU** region to count for the Th.M. degree as they were never previously offered or planned by Western.
44. All Department records concerning **ATS** expansion of scope submitted under 34 CFR §602.31(b) since 2000.
45. All Department records concerning **NWCCU** expansion of scope submitted under 34 CFR §602.31(b) 2000.
46. All Department records concerning **ATS** continued recognition submitted under 34 CFR §602.31(a) since 2000.
47. All Department records concerning **NWCCU** continued recognition submitted under 34 CFR §602.31(a) since 2000.
48. All Department records concerning **ATS** and 34 CFR §602.33 since 2000.
49. All Department records concerning **NWCCU** and 34 CFR §602.33 since 2000.
50. All Department records for citations on or around May - June 2008 to any accreditation agency other than **ATS** or **NWCCU** to whom the Department issued citations for policies or procedures regarding either rejecting or tabling complaints to agencies from any complainants who had filed lawsuits against schools accredited by their respective agency.
51. All Department information notices to all accreditation agencies stating they must not have policies or procedures regarding either rejecting or tabling complaints to agencies from any complainants who filed lawsuits against schools accredited by their agency.
52. All Department records concerning **ATS** 34 CFR §602 et seq noncompliance since 2000.
53. All Department records concerning **NWCCU** 34 CFR §602 et seq

noncompliance since 2000.

54. All Department records of senior Department official decisions concerning **ATS** since 2000.

55. All Department records of senior Department official decisions concerning **NWCCU** since 2000.

56. The **ATS** standards or procedures that override *Mary R. v. B. & R. Corp.*, **149 Cal. App. 3d 308 (1983) as of March 14, 2006.**

57. The **NWCCU** policies or standards that override *Mary R. v. B. & R. Corp.*, **149 Cal. App. 3d 308 (1983) as of March 14, 2006.**

58. The **ATS** "exception" standards or policies in which schools have a business practice of overriding the law as of 1999.

59. All records between the Department and **ATS** concerning standards or procedures for *exceptions* since 1999.

60. All **ATS** standards or procedures that give **ATS** authority over March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary.

61. All **ATS** standards or procedures that give **NWCCU** authority over March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary.

62. All Department records concerning **ATS**' review of the March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary.

63. All Department records concerning **NWCCU's** review of the March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary.

64. All Department records involving the General Counsel decisions concerning the March 14, 2006 settlement agreement involving Randy Chapel.

65. *The settlement agreement* involving Randy Chapel and Western Seminary that provides **ATS** has authority to make determinations regarding the settlement agreement or the validity of the settlement agreement (e.g., which settlement agreement is Nancy C. Regan using – because I don't have a copy of this). Refer to page 2, second to last paragraph of the July 18, 2008 Daniel Aleshire to John Hannon, Randal Roberts, Joyce Jones, Chuck Mula Refer to page 2, last paragraph of the July 21, 2008 Daniel Aleshire to John Hannon, Randal Roberts Refer to page 2, bullet 2 and 3 of the Nancy C. Regan letter to Sandra Elman dated Aug 29, 2008.

66. *The settlement agreement* involving Randy Chapel and Western Seminary that provides **NWCCU** has authority to make determinations regarding the settlement agreement or the validity of the settlement agreement (e.g., which settlement agreement is Nancy C. Regan using – because I don't have a copy of this. (Refer to page 2, bullet 4 of the Nancy C. Regan letter to Sandra Elman dated Aug 29, 2008)

67. Records of any **ATS** policies that gives schools authority to exceed or waive State law.

68. Records of any **ATS** policies that gives schools authority to exceed or waive any decisional cases.

69. Records of any **ATS** policies that gives schools authority to exceed or waive

FERPA.

70. Records of any **ATS** policies that gives schools authority to exceed or waive Federal law.

71. Records of any **NWCCU** policies that gives schools authority to exceed or waive State law.

72. Records of any **NWCCU** policies that gives schools authority to exceed or waive any decisional cases.

73. Records of any **NWCCU** policies that gives schools authority to exceed or waive FERPA.

74. Records of any **NWCCU** policies that gives schools authority to exceed or waive Federal law.

75. Records that give **WESTERN SEMINARY** authority to exceed or waive State law.

76. Records that give **WESTERN SEMINARY** authority to exceed or waive any decisional cases.

77. Records that give **WESTERN SEMINARY** authority to exceed or waive FERPA.

78. Records that give **WESTERN SEMINARY** authority to exceed or waive Federal law.

79. Records between DeNise.L.Hill@ed.gov and cwils60@hotmail.com

80. Records between donna.wittman@ed.gov and cwils60@hotmail.com

81. Records that show *who* the "appropriate staff" member(s) was to whom Edgar Mayes forwarded Randy Chapel's communications sent to Arne Duncan in the summer of 2010 (June – Aug).

82. Records that show *who* the "appropriate staff" member(s) was to whom Edgar Mayes forwarded Carol Nye-Wilson's communications sent to Arne Duncan in the summer of 2010 (June – Aug).

83. Records that show *who* the "appropriate staff" member(s) was to whom Edgar Mayes forwarded on or before May 19, 2008, Carol Nye-Wilson's letter dated 5-14-08 to Margaret Spellings facts regarding TWO AT-RISK STUDENTS of Western Seminary.

84. Records that show *who* the "appropriate staff" member(s) was to whom Edgar Mayes forwarded on or before February 26, 2008, John Hannon's letter dated 2-26-08 to Margaret Spellings regarding complaints by Randy Chapel and Carol Nye-Wilson that Mr. Mula has not properly dealt with **ATS** and **NWCCU**.

I agree to pay reasonable duplication fees for the processing of this request in an amount not to exceed \$500. However, please notify me prior to your incurring any expenses in excess of that amount.

If my request is denied in whole or part, I ask that you justify all deletions by reference to

specific exemptions of the act. I will also expect you to release all segregated portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

Thank you in advance for your assistance and *for your response to this request within 20 business days, as required by Statute.*

//signed//

Marie Haig

surfergirlhbca@yahoo.com

20110714_FOIARequestrev)

Exhibit V

From: Justin Herbert <justinherbert81@yahoo.com>
Subject: Re: JULY 13, 2011 FOIA REQUEST -jhn
To: "ED FOIA Manager" <EDFOIAManager@ed.gov>
Date: Friday, August 19, 2011, 12:47 PM

ED FOIA

You failed to acknowledge this FOIA request with a FOIA number within the 10 days required by federal regulation.

Please immediately assign a number and provide the requested documents according to the FOIA.

--- On Wed, 7/13/11, Justin Herbert <justinherbert81@yahoo.com> wrote:

From: Justin Herbert <justinherbert81@yahoo.com>
Subject: JULY 13, 2011 FOIA REQUEST -jhn
To: "ED FOIA Manager" <EDFOIAManager@ed.gov>
Date: Wednesday, July 13, 2011, 9:52 AM

Justin Herbert Nye
P.O. Box 711419
Mountainview, Hawaii 96771-1419
justinherbert81@yahoo.com
July 13, 2011

via email
FOIA Manager
400 Maryland Avenue, SW
Washington, DC 20202-4651
Fax: 202/401-0920

FOIA REQUEST

Pursuant to the Federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of records outlined below. I am aware that the Department of Education allows requests to be submitted other than by regular mail.

I defined **ATS** (Association of Theological Schools) to mean the accreditation agency itself, any board member, administrator or agent of or **attorneys representing the accreditation agency**.

I defined **NWCCU** (Northwest Commission on Colleges and Universities) to mean the accreditation agency itself, any board member, administrator or agent of or **attorneys representing the accreditation agency**.

I define **WESTERN SEMINARY** to mean the school known as Western Seminary located in Portland, OR and formally Los Gatos, CA, any board member, instructor, administrator or agent of or **attorneys representing the school**.

I define **JSTB** to mean the school known as Jesuit School Of Theology at Berkeley located in Berkeley, CA (aka: Jesuit School Of Theology, *Jesuit School of Theology* at Santa Clara University), any board member, instructor, administrator or agent of or **attorneys representing the school**.

I define **ST. PATRICK'S** to mean the school known as St. Patrick's Seminary and University located in Menlo Park, CA, any board member, instructor, administrator or agent of or **attorneys representing the school**.

I define **EDINBURGH** to mean the school known as University of Edinburgh located in Edinburgh, Scotland, any board member, instructor, administrator, including any person associated with the School of Divinity or agent of or

attorneys representing the school.

I define **records** as defined in 34 CFR § 5.2. Likely places these records can be found: FERPA/FPCO, OCR, FSA, Office of Postsecondary Education, Office of the General Counsel, Office of the Secretary, ASL, AAEU.

1. Any records in 2008 that indicate Chuck Mula's supervisor's name.
2. Any records in 2008 that indicate Cheryl Oldham's supervisor's name.
3. Any records in 2008 that indicate Nancy C. Regan's supervisor's name.
4. Any records in 2008 that indicate Carol Griffiths's supervisor's name.
5. Any records in 2008 that indicate Diane Auer Jones's supervisor's name.
6. Department organizational directories or charts showing all supervisors from Chuck Mula's position to Margaret Spellings from March 2007- Jan 15, 2009.

7. All Department records between Chuck Mula and **ATS** from March 2007 to the current date concerning Randy Chapel or Carol Nye-Wilson.
8. All Department records between Chuck Mula and **NWCCU** from March 2007 to the current date concerning Randy Chapel or Carol Nye-Wilson.

9. All Department records between Chuck Mula and Randy Chapel from March 2007 to current date.
10. All Department records between Chuck Mula and Carol Nye-Wilson from March 2007 to the current date.
11. All Department records between Chuck Mula and **WESTERN SEMINARY** from March 2007 to today concerning Randy Chapel or Carol Nye-Wilson.

12. All Department records between the Department and **ATS** from 2006 to today concerning Randy Chapel or Carol Nye-Wilson.
13. All Department records between the Department and **NWCCU** from 2006 to today concerning Randy Chapel or Carol Nye-Wilson.
14. All Department records between the Department and **WESTERN SEMINARY** from 2005 to today concerning Randy Chapel or Carol Nye-Wilson. *OCR may exclude records dated from 2005-2009 as they have already been produced.*

15. All Department records between the Department and **EDINBURGH** from 2007 to today concerning Randy Chapel or Carol Nye-Wilson.
16. All Department records between the Department and **JSTB** from 2007 to today concerning Randy Chapel.
17. All Department records between the Department and **ST. PATRICK'S** from 2007 to today concerning Randy Chapel.

18. All Department records between the Department and Matthew Geyer from March 2007 to today, concerning Randy Chapel or Carol Nye-Wilson.
19. All Department records between the Department and Leonard Sprinkles from March 2007 to today, concerning Randy Chapel or Carol Nye-Wilson.
20. All Department records between the Department and Debbie Godbey (aka Debbie Brumbaugh Debra Brumbaugh, Deb Brumbaugh, Deb Godbey) from March 2007 to today, concerning Randy Chapel or Carol Nye-Wilson.

21. All Department records between the Department and Willard Brumbaugh from March 2007 to the current date, concerning Randy Chapel or Carol Nye-Wilson.
22. All Department records between the Department and Paul Godbey from March 2007 to the current date, concerning Randy Chapel or Carol Nye-Wilson.
23. All Department records between the Department and (Susan Chapel or her attorney) from March 2007 to the current date, concerning Randy Chapel or Carol Nye-Wilson.

24. All Department records between the Department and Matt Tuck from March 2007 to the current date, concerning Randy Chapel or Carol Nye-Wilson.
25. All Department records that support the conclusions of the Nancy C. Regan letter to John Hannon in Sept 2008.
26. All Department records that support the conclusions of the Nancy C. Regan letter to Sandra E. Elman in Aug 2008.
27. All Department records that support the conclusions of the Nancy C. Regan letter to Daniel O. Aleshire in Aug 2008.
28. The ATS "*exception*" policy in effect on March 14, 2006.
29. The ATS 34 CFR § 602.22 policy in effect on March 14, 2006.
30. The ATS 34 CFR § 602.22 policy in effect on August 29, 2008.
31. The current ATS 34 CFR § 602.22 policy.
32. The NWCCU "*exception*" policy in effect on March 14, 2006.
33. The NWCCU 34 CFR § 602.22 policy in effect on March 14, 2006.
34. The NWCCU 34 CFR § 602.22 policy in effect on August 29, 2008.
35. The current NWCCU 34 CFR § 602.22 policy.
36. All Department records concerning reviews conducted under 34 CFR §602.33 for ATS since 2000.
37. All Department records concerning reviews conducted under 34 CFR §602.33 for NWCCU since 2000.
38. All Department records concerning ATS compliance reports submitted under 34 CFR §602.31(c) since 2000.
39. All Department records concerning ATS compliance reports submitted under 34 CFR §602.31(c) that indicate the 2006 annual report submitted by Western Seminary showing substantive changes to the Th.M. degree offered to Randy Chapel at the San Jose campus for 12 M.Div credits to count for Th.M. credits.
40. All Department records concerning NWCCU compliance reports submitted under 34 CFR §602.31(c) since 2000.
41. All Department records concerning NWCCU compliance reports submitted under 34 CFR § 602.31(c) that demonstrated the 2006 annual report filed by Western Seminary listed 12 credits of courses offered outside the NWCCU region to count for the Th.M. degree that were never previously offered by Western.
42. All Department records concerning NWCCU compliance reports submitted under 34 CFR § 602.31(c) that demonstrated the 2006 annual report filed by Western Seminary listed 12 credits of courses were planned for outside the NWCCU region to count for the Th.M. degree.
43. All Department records concerning NWCCU compliance reports submitted under 34 CFR § 602.31(c) that demonstrated the 2007 annual report filed by Western Seminary that listed 12 credits of courses offered or planned outside the NWCCU region to count for the Th.M. degree as they were never previously offered or planned by Western.
44. All Department records concerning ATS expansion of scope submitted under 34 CFR §602.31(b) since 2000.
45. All Department records concerning NWCCU expansion of scope submitted under 34 CFR §602.31(b) 2000.
46. All Department records concerning ATS continued recognition submitted under 34 CFR §602.31(a) since 2000.
47. All Department records concerning NWCCU continued recognition submitted under 34 CFR §602.31(a) since 2000.

48. All Department records concerning ATS and 34 CFR §602.33 since 2000.
49. All Department records concerning NWCCU and 34 CFR §602.33 since 2000.
50. All Department records for citations on or around May - June 2008 to any accreditation agency other than ATS or NWCCU to whom the Department issued citations for policies or procedures regarding either rejecting or tabling complaints to agencies from any complainants who had filed lawsuits against schools accredited by their respective agency.
51. All Department information notices to all accreditation agencies stating they must not have policies or procedures regarding either rejecting or tabling complaints to agencies from any complainants who filed lawsuits against schools accredited by their agency.
52. All Department records concerning ATS 34 CFR §602 et seq noncompliance since 2000.
53. All Department records concerning NWCCU 34 CFR §602 et seq noncompliance since 2000.
54. All Department records of senior Department official decisions concerning ATS since 2000.
55. All Department records of senior Department official decisions concerning NWCCU since 2000.
56. The ATS standards or procedures that override *Mary R. v. B. & R. Corp.*, 149 Cal. App. 3d 308 (1983) as of March 14, 2006.
57. The NWCCU policies or standards that override *Mary R. v. B. & R. Corp.*, 149 Cal. App. 3d 308 (1983) as of March 14, 2006.
58. The ATS "exception" standards or policies in which schools have a business practice of overriding the law as of 1999.
59. All records between the Department and ATS concerning standards or procedures for exceptions since 1999.
60. All ATS standards or procedures that give ATS authority over March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary.
61. All ATS standards or procedures that give NWCCU authority over March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary.
62. All Department records concerning ATS' review of the March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary.
63. All Department records concerning NWCCU's review of the March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary.
64. All Department records involving the General Counsel decisions concerning the March 14, 2006 settlement agreement involving Randy Chapel.
65. The settlement agreement involving Randy Chapel and Western Seminary that provides ATS has authority to make determinations regarding the settlement agreement or the validity of the settlement agreement (e.g., which settlement agreement is Nancy C. Regan using – because I don't have a copy of this).

Refer to page 2, second to last paragraph of the July 18, 2008 Daniel Aleshire to John Hannon, Randal Roberts, Joyce Jones, Chuck Mula Refer to page 2, last paragraph of the July 21, 2008 Daniel Aleshire to John Hannon, Randal Roberts Refer to page 2, bullet 2 and 3 of the Nancy C. Regan letter to Sandra Elman dated Aug 29, 2008
66. The settlement agreement involving Randy Chapel and Western Seminary that provides NWCCU has authority to make determinations regarding the settlement agreement or the validity of the settlement agreement (e.g., which settlement agreement is Nancy C. Regan using – because I don't have a copy of this).

Refer to page 2, bullet 4 of the Nancy C. Regan letter to Sandra Elman dated Aug 29, 2008
67. Records of any ATS policies that gives schools authority to exceed or waive State law.
68. Records of any ATS policies that gives schools authority to exceed or waive any decisional cases.
69. Records of any ATS policies that gives schools authority to exceed or waive FERPA.

70. Records of any **ATS** policies that gives schools authority to exceed or waive Federal law.
71. Records of any **NWCCU** policies that gives schools authority to exceed or waive State law.
72. Records of any **NWCCU** policies that gives schools authority to exceed or waive any decisional cases.
73. Records of any **NWCCU** policies that gives schools authority to exceed or waive FERPA.
74. Records of any **NWCCU** policies that gives schools authority to exceed or waive Federal law.

75. Records that give **WESTERN SEMINARY** authority to exceed or waive State law.
76. Records that give **WESTERN SEMINARY** authority to exceed or waive any decisional cases.
77. Records that give **WESTERN SEMINARY** authority to exceed or waive FERPA.
78. Records that give **WESTERN SEMINARY** authority to exceed or waive Federal law.

79. Records between DeNise.L.Hill@ed.gov and cwils60@hotmail.com
80. Records between donna.wittman@ed.gov and cwils60@hotmail.com

81. Records that show *who* the “appropriate staff” member(s) was to whom Edgar Mayes forwarded Randy Chapel’s communications sent to Arne Duncan in the summer of 2010 (June – Aug).

82. Records that show *who* the “appropriate staff” member(s) was to whom Edgar Mayes forwarded Carol Nye-Wilson’s communications sent to Arne Duncan in the summer of 2010 (June – Aug).

83. Records that show *who* the “appropriate staff” member(s) was to whom Edgar Mayes forwarded on or before May 19, 2008, Carol Nye-Wilson’s letter dated 5-14-08 to Margaret Spellings facts regarding TWO AT-RISK STUDENTS of Western Seminary.

84. Records that show *who* the “appropriate staff” member(s) was to whom Edgar Mayes forwarded on or before February 26, 2008, John Hannon’s letter dated 2-26-08 to Margaret Spellings regarding complaints by Randy Chapel and Carol Nye-Wilson that Mr. Mula has not properly dealt with **ATS** and **NWCCU**.

I agree to pay reasonable duplication fees for the processing of this request, however, please notify me prior to your incurring any expenses.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregated portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

/s/

Justin Herbert Nye

20110713_FOIARequest(revised).doc

Exhibit W

From: Dale Wilson <dr_dale_wilson@yahoo.com>
Subject: **Fw: FOIA Request Acknowledgement 11-01853-F--DALE's 84 resent due to scewed line**
Date: July 19, 2011 3:15:30 PM PDT
To: "randychapellegal@gmail.com" <randychapellegal@gmail.com>, Carol Nye-Wilson <carolnyewilson@yahoo.com>
Reply-To: Dale Wilson <dr_dale_wilson@yahoo.com>
2 Attachments, 75.0 KB

----- Forwarded Message -----
From: ED FOIA Manager <EDFOIAManager@ed.gov>
To: Dale Wilson <dr_dale_wilson@yahoo.com>
Sent: Tuesday, July 19, 2011 9:57 AM
Subject: FOIA Request Acknowledgement 11-01853-F



UNITED STATES DEPARTMENT OF EDUCATION
FOIA REQUEST ACKNOWLEDGEMENT

FOIA Tracking Number: 11-01853-F

Name of Requester: Dale Wilson
E-mail Address: dr_dale_wilson@yahoo.com
Date of Request: 07/17/2011
Date Request Received: 07/18/2011

Your request (below) has been forwarded to the appropriate office within the Department to search for responsive documents. If you have any questions regarding the status of your request, please contact the FOIA Requester Service Center at (202) 401-8365 or by e-mail at EDFOIAManager@ed.gov (please include the case tracking number).

Thank you.

From: Dale Wilson [mailto:dr_dale_wilson@yahoo.com]
Sent: Sunday, July 17, 2011 12:07 PM
To: ED FOIA Manager
Subject: 7-14-11 FOIA REQUEST (resent) - resolved format problem

Major Dale E.

Wilson, Ph.D., US Army (Ret)

P.O. Box 711419

Mt. View, HI 96771

dr_dale_wilson@yahoo.com

Tel: 808-968-7423

7-14-11

via email
 FOIA Manager
 400 Maryland Avenue, SW
 Washington, DC 20202-4651
 Fax: 202/401-0920

FOIA REQUEST

Pursuant to the Federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of records outlined below. I am aware that the Department of Education allows requests to be submitted other than by regular mail.

I defined **ATS** (Association of Theological Schools) to mean the accreditation agency itself, any board member, administrator or agent of or **attorneys representing the accreditation agency**.

I defined **NWCCU** (Northwest Commission on Colleges and Universities) to mean the accreditation agency itself, any board member, administrator or agent of or **attorneys representing the accreditation agency**.

I define **WESTERN SEMINARY** to mean the school known as Western Seminary located in Portland, OR and formally Los Gatos, CA, any board member, instructor, administrator or agent of or **attorneys representing the school**.

I define **JSTB** to mean the school known as Jesuit School Of Theology at Berkeley located in Berkeley, CA (aka: Jesuit School Of Theology, *Jesuit School of Theology* at Santa Clara University), any board member, instructor, administrator or agent of or **attorneys representing the school**.

I define **ST. PATRICK'S** to mean the school known as St. Patrick's Seminary and University located in Menlo Park, CA, any board member, instructor, administrator or agent of or **attorneys representing the school**.

I define **EDINBURGH** to mean the school known as University of Edinburgh located in Edinburgh, Scotland, any board member, instructor, administrator, including any person associated with the School of Divinity or agent of or **attorneys representing the school**.

I define **records** as defined in 34 CFR § 5.2. Likely places these records can be found: FERPA/FPCO, OCR, FSA, Office of Postsecondary Education, Office of the General Counsel, Office of the Secretary, ASL, AAEU.

1. Any records in 2008 that indicate Chuck Mula's supervisor's name.
2. Any records in 2008 that indicate Cheryl Oldham's supervisor's name.
3. Any records in 2008 that indicate Nancy C. Regan's supervisor's name.
4. Any records in 2008 that indicate Carol Griffiths's supervisor's name.
5. Any records in 2008 that indicate Diane Auer Jones's supervisor's name.
6. Department organizational directories or charts showing all supervisors from Chuck Mula's position to Margaret Spellings from March 2007- Jan 15, 2009.
7. All Department records between Chuck Mula and **ATS** from March 2007 to the current date concerning Randy Chapel or Carol Nye-Wilson.
8. All Department records between Chuck Mula and **NWCCU** from March 2007 to the current date concerning Randy Chapel or Carol Nye-Wilson.
9. All Department records between Chuck Mula and Randy Chapel from March 2007 to current date.
10. All Department records between Chuck Mula and Carol Nye-Wilson from March 2007 to the current date.
11. All Department records between Chuck Mula and **WESTERN SEMINARY** from March 2007 to today concerning Randy Chapel or Carol Nye-Wilson.
12. All Department records between the Department and **ATS** from 2006 to today concerning Randy Chapel or Carol Nye-Wilson.
13. All Department records between the Department and **NWCCU** from 2006 to today concerning Randy Chapel or Carol Nye-Wilson.
14. All Department records between the Department and **WESTERN SEMINARY** from 2005 to today concerning Randy Chapel or Carol Nye-Wilson. *OCR may exclude records dated from 2005-2009 as they have already been produced.*
15. All Department records between the Department and **EDINBURGH** from 2007 to today concerning Randy Chapel or Carol Nye-Wilson.
16. All Department records between the Department and **JSTB** from 2007 to today concerning Randy Chapel.
17. All Department records between the Department and **ST. PATRICK'S** from 2007 to today concerning Randy Chapel.
18. All Department records between the Department and Matthew Geyer from March 2007 to today, concerning Randy Chapel

or Carol Nye-Wilson.

19. All Department records between the Department and Leonard Sprinkles from March 2007 to today, concerning Randy Chapel or Carol Nye-Wilson.
20. All Department records between the Department and Debbie Godbey (aka Debbie Brumbaugh Debra Brumbaugh, Deb Brumbaugh, Deb Godbey) from March 2007 to today, concerning Randy Chapel or Carol Nye-Wilson.
21. All Department records between the Department and Willard Brumbaugh from March 2007 to the current date, concerning Randy Chapel or Carol Nye-Wilson.
22. All Department records between the Department and Paul Godbey from March 2007 to the current date, concerning Randy Chapel or Carol Nye-Wilson.
23. All Department records between the Department and (Susan Chapel or her attorney) from March 2007 to the current date, concerning Randy Chapel or Carol Nye-Wilson.
24. All Department records between the Department and Matt Tuck from March 2007 to the current date, concerning Randy Chapel or Carol Nye-Wilson.
25. All Department records that support the conclusions of the Nancy C. Regan letter to John Hannon in Sept 2008.
26. All Department records that support the conclusions of the Nancy C. Regan letter to Sandra E. Elman in Aug 2008.
27. All Department records that support the conclusions of the Nancy C. Regan letter to Daniel O. Aleshire in Aug 2008.
28. The **ATS** "exception" policy in effect on March 14, 2006.
29. The **ATS** 34 CFR § 602.22 policy in effect on March 14, 2006.
30. The **ATS** 34 CFR § 602.22 policy in effect on August 29, 2008.
31. The current **ATS** 34 CFR § 602.22 policy.
32. The **NWCCU** "exception" policy in effect on March 14, 2006.
33. The **NWCCU** 34 CFR § 602.22 policy in effect on March 14, 2006.
34. The **NWCCU** 34 CFR § 602.22 policy in effect on August 29, 2008.
35. The current **NWCCU** 34 CFR § 602.22 policy.
36. All Department records concerning reviews conducted under 34 CFR §602.33 for **ATS** since 2000.
37. All Department records concerning reviews conducted under 34 CFR §602.33 for **NWCCU** since 2000.
38. All Department records concerning **ATS** compliance reports submitted under 34 CFR §602.31(c) since 2000.
39. All Department records concerning **ATS** compliance reports submitted under 34 CFR §602.31(c) that indicate the 2006 annual report submitted by Western Seminary showing substantive changes to the Th.M. degree offered to Randy Chapel at the San Jose campus for 12 M.Div credits to count for Th.M. credits.
40. All Department records concerning **NWCCU** compliance reports submitted under 34 CFR §602.31(c) since 2000.
41. All Department records concerning **NWCCU** compliance reports submitted under 34 CFR § 602.31(c) that demonstrated the 2006 annual report filed by Western Seminary listed 12 credits of courses offered outside the **NWCCU** region to count for the Th.M. degree that were never previously offered by.
42. All Department records concerning **NWCCU** compliance reports submitted under 34 CFR § 602.31(c) that demonstrated the 2006 annual report filed by Western Seminary listed 12 credits of courses were planned for outside the **NWCCU** region to count for the Th.M. degree.
43. All Department records concerning **NWCCU** compliance reports submitted under 34 CFR § 602.31(c) that demonstrated the 2007 annual report filed by Western Seminary that listed 12 credits of courses offered or planned outside the **NWCCU** region to count for the Th.M. degree as they were never previously offered or planned by Western.
44. All Department records concerning **ATS** expansion of scope submitted under 34 CFR §602.31(b) since 2000.
45. All Department records concerning **NWCCU** expansion of scope submitted under 34 CFR §602.31(b) 2000.
46. All Department records concerning **ATS** continued recognition submitted under 34 CFR §602.31(a) since 2000.
47. All Department records concerning **NWCCU** continued recognition submitted under 34 CFR §602.31(a) since 2000.
48. All Department records concerning **ATS** and 34 CFR §602.33 since 2000.
49. All Department records concerning **NWCCU** and 34 CFR §602.33 since 2000.
50. All Department records for citations on or around May - June 2008 to any accreditation agency other than **ATS** or **NWCCU** to whom the Department issued citations for policies or procedures regarding either rejecting or tabling complaints to agencies from any complainants who had filed lawsuits against schools accredited by their respective agency.
51. All Department information notices to all accreditation agencies stating they must not have policies or procedures regarding either rejecting or tabling complaints to agencies from any complainants who filed lawsuits against schools accredited by their agency.
52. All Department records concerning **ATS** 34 CFR §602 et seq noncompliance since 2000.
53. All Department records concerning **NWCCU** 34 CFR §602 et seq noncompliance since 2000.

54. All Department records of senior Department official decisions concerning **ATS** since 2000.
55. All Department records of senior Department official decisions concerning **NWCCU** since 2000.
56. The **ATS** standards or procedures that override *Mary R. v. B. & R. Corp., 149 Cal. App. 3d 308 (1983)* as of March 14, 2006.
57. The **NWCCU** policies or standards that override *Mary R. v. B. & R. Corp., 149 Cal. App. 3d 308 (1983)* as of March 14, 2006.
58. The **ATS** "exception" standards or policies in which schools have a business practice of overriding the law as of 1999.
59. All records between the Department and **ATS** concerning standards or procedures for *exceptions* since 1999.
60. All **ATS** standards or procedures that give **ATS** authority over March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary.
61. All **ATS** standards or procedures that give **NWCCU** authority over March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary.
62. All Department records concerning **ATS**' review of the March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary.
63. All Department records concerning **NWCCU**'s review of the March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary.
64. All Department records involving the General Counsel decisions concerning the March 14, 2006 settlement agreement involving Randy Chapel.
65. *The settlement agreement* involving Randy Chapel and Western Seminary that provides **ATS** has authority to make determinations regarding the settlement agreement or the validity of the settlement agreement (e.g., which settlement agreement is Nancy C. Regan using – because I don't have a copy of this). Refer to page 2, second to last paragraph of the July 18, 2008 Daniel Aleshire to John Hannon, Randal Roberts, Joyce Jones, Chuck Mula Refer to page 2, last paragraph of the July 21, 2008 Daniel Aleshire to John Hannon, Randal Roberts Refer to page 2, bullet 2 and 3 of the Nancy C. Regan letter to Sandra Elman dated Aug 29, 2008.
66. *The settlement agreement* involving Randy Chapel and Western Seminary that provides **NWCCU** has authority to make determinations regarding the settlement agreement or the validity of the settlement agreement (e.g., which settlement agreement is Nancy C. Regan using – because I don't have a copy of this. (Refer to page 2, bullet 4 of the Nancy C. Regan letter to Sandra Elman dated Aug 29, 2008)
67. Records of any **ATS** policies that gives schools authority to exceed or waive State law.
68. Records of any **ATS** policies that gives schools authority to exceed or waive any decisional cases.
69. Records of any **ATS** policies that gives schools authority to exceed or waive FERPA.
70. Records of any **ATS** policies that gives schools authority to exceed or waive Federal law.
71. Records of any **NWCCU** policies that gives schools authority to exceed or waive State law.
72. Records of any **NWCCU** policies that gives schools authority to exceed or waive any decisional cases.
73. Records of any **NWCCU** policies that gives schools authority to exceed or waive FERPA.
74. Records of any **NWCCU** policies that gives schools authority to exceed or waive Federal law.
75. Records that give **WESTERN SEMINARY** authority to exceed or waive State law.
76. Records that give **WESTERN SEMINARY** authority to exceed or waive any decisional cases.
77. Records that give **WESTERN SEMINARY** authority to exceed or waive FERPA.
78. Records that give **WESTERN SEMINARY** authority to exceed or waive Federal law.
79. Records between DeNise.L.Hill@ed.gov and cwils60@hotmail.com
80. Records between donna.wittman@ed.gov and cwils60@hotmail.com
81. Records that show *who* the "appropriate staff" member(s) was to whom Edgar Mayes forwarded Randy Chapel's communications sent to Arne Duncan in the summer of 2010 (June – Aug).
82. Records that show *who* the "appropriate staff" member(s) was to whom Edgar Mayes forwarded Carol Nye-Wilson's communications sent to Arne Duncan in the summer of 2010 (June – Aug).
83. Records that show *who* the "appropriate staff" member(s) was to whom Edgar Mayes forwarded on or before May 19, 2008, Carol Nye-Wilson's letter dated 5-14-08 to Margaret Spellings facts regarding TWO AT-RISK STUDENTS of Western Seminary.
84. Records that show *who* the "appropriate staff" member(s) was to whom Edgar Mayes forwarded on or before February 26, 2008, John Hannon's letter dated 2-26-08 to Margaret Spellings regarding complaints by Randy Chapel and Carol Nye-Wilson that Mr. Mula has not properly dealt with **ATS** and **NWCCU**.

I agree to pay reasonable duplication fees for the processing of this request in an amount not to exceed \$500. However, please notify me prior to your incurring any expenses in excess of that amount.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also

expect you to release all segregated portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

/s/

Major Dale E Wilson, PhD., US Army(Ret.)

20110714_FOIARequestrev)
bsp;

&n

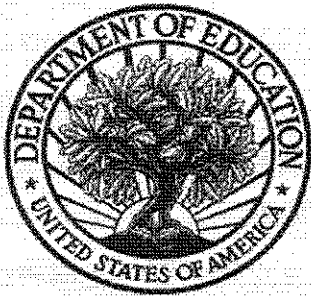


Exhibit X

From: carol nyewilson <carolnyewilson@yahoo.com>
Subject: **Fw: Re: FOIA REquest Acknowledgement 11-01900-F - Charlene asks for docs**
Date: August 20, 2011 9:32:14 AM PDT
To: randychapellegal@gmail.com
1 Attachment, 3.0 KB

-- On Sat, 8/20/11, uawakenedme@aol.com <uawakenedme@aol.com> wrote:

From: uawakenedme@aol.com <uawakenedme@aol.com>
Subject: Re: FOIA REquest Acknowledgement 11-01900-F
To: EDFOIAManager@ed.gov
Date: Saturday, August 20, 2011, 6:08 AM

Greetings,
Please let me know when the requested information can be emailed to me.
Thanks,
Charlene DeBert

-----Original Message-----

From: ED FOIA Manager <EDFOIAManager@ed.gov>
To: UawakenedMe <UawakenedMe@aol.com>
Sent: Thu, Jul 28, 2011 10:28 am
Subject: FOIA REquest Acknowledgement 11-01900-F



UNITED STATES DEPARTMENT OF EDUCATION

FOIA REQUEST ACKNOWLEDGEMENT

FOIA Tracking Number: 11-01900-F

Name of Requester: Charlene Debert
E-mail Address: UawakenedMe@aol.com
Date of Request: 07/27/2011
Date Request Received: 07/27/2011

Your request (below) has been forwarded to the appropriate office within the Department to search for responsive documents. If you have any questions regarding the status of your request, please contact the FOIA Requester Service Center at (202) 401-8365 or by e-mail at EDFOIAManager@ed.gov (please include the case tracking number).

Thank you.

From: UawakenedMe@aol.com [<mailto:UawakenedMe@aol.com>]
Sent: Wednesday, July 27, 2011 3:14 PM
To: ED FOIA Manager
Cc: carolnyewilson@yahoo.com

Subject: Fwd: 7-22-11 FOIA Request -84

To: UawakenedMe@aol.com
Sent: 7/23/2011 2:21:53 P.M. Pacific Daylight Time
Subj: 7-22-11 FOIA Request -84

Charlene Debert
P.O. Box 1595
Boulder Creek, CA 95006
UawakenedMe@aol.com
July 22, 2011

via email
FOIA Manager
400 Maryland Avenue, SW
Washington, DC 20202-4651
Fax: 202/401-0920

FOIA REQUEST

Pursuant to the Federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of records outlined below. I am aware that the Department of Education allows requests to be submitted other than by regular mail.

I defined **ATS** (Association of Theological Schools) to mean the accreditation agency itself, any board member, administrator or agent of or **attorneys representing the accreditation agency**.

I defined **NWCCU** (Northwest Commission on Colleges and Universities) to mean the accreditation agency itself, any board member, administrator or agent of or **attorneys representing the accreditation agency**.

I define **WESTERN SEMINARY** to mean the school known as Western Seminary located in Portland , OR and formally Los Gatos , CA , any board member, instructor, administrator or agent of or **attorneys representing the school**.

I define **JSTB** to mean the school known as Jesuit School Of Theology at Berkeley located in Berkeley, CA (aka: Jesuit School Of Theology, *Jesuit School of Theology* at Santa Clara University), any board member, instructor, administrator or agent of or **attorneys representing the school**.

I define **ST. PATRICK'S** to mean the school known as St. Patrick's Seminary and University located in Menlo Park, CA, any board member, instructor, administrator or agent of or **attorneys representing the school**.

I define **EDINBURGH** to mean the school known as University of Edinburgh located in Edinburgh , Scotland , any board member, instructor, administrator, including any person associated with the School of Divinity or agent of or **attorneys representing the school**.

I define **records** as defined in 34 CFR § 5.2. Likely places these records can be found: FERPA/FPCO, OCR, FSA, Office of Postsecondary Education, Office of the General Counsel, Office of the Secretary, ASL, AAEU.

1. Any records in 2008 that indicate Chuck Mula's supervisor's name.
2. Any records in 2008 that indicate Cheryl Oldham's supervisor's name.
3. Any records in 2008 that indicate Nancy C. Regan's supervisor's name.
4. Any records in 2008 that indicate Carol Griffiths's supervisor's name.
5. Any records in 2008 that indicate Diane Auer Jones's supervisor's name.
6. Department organizational directories or charts showing all supervisors from Chuck Mula's position to Margaret Spellings from March 2007- Jan 15, 2009.
7. All Department records between Chuck Mula and **ATS** from March 2007 to the current date concerning Randy Chapel or Carol Nye-Wilson.
8. All Department records between Chuck Mula and **NWCCU** from March 2007 to the current date

concerning Randy Chapel or Carol Nye-Wilson.

9. All Department records between Chuck Mula and Randy Chapel from March 2007 to current date.
10. All Department records between Chuck Mula and Carol Nye-Wilson from March 2007 to the current date.
11. All Department records between Chuck Mula and **WESTERN SEMINARY** from March 2007 to today concerning Randy Chapel or Carol Nye-Wilson.
12. All Department records between the Department and **ATS** from 2006 to today concerning Randy Chapel or Carol Nye-Wilson.
13. All Department records between the Department and **NWCCU** from 2006 to today concerning Randy Chapel or Carol Nye-Wilson.
14. All Department records between the Department and **WESTERN SEMINARY** from 2005 to today concerning Randy Chapel or Carol Nye-Wilson. *OCR may exclude records dated from 2005-2009 as they have already been produced.*
15. All Department records between the Department and **EDINBURGH** from 2007 to today concerning Randy Chapel or Carol Nye-Wilson.
16. All Department records between the Department and **JSTB** from 2007 to today concerning Randy Chapel.
17. All Department records between the Department and **ST. PATRICK'S** from 2007 to today concerning Randy Chapel.
18. All Department records between the Department and Matthew Geyer from March 2007 to today, concerning Randy Chapel or Carol Nye-Wilson.
19. All Department records between the Department and Leonard Sprinkles from March 2007 to today, concerning Randy Chapel or Carol Nye-Wilson.
20. All Department records between the Department and Debbie Godbey (aka Debbie Brumbaugh Debra Brumbaugh, Deb Brumbaugh, Deb Godbey) from March 2007 to today, concerning Randy Chapel or Carol Nye-Wilson.
21. All Department records between the Department and Willard Brumbaugh from March 2007 to the current date, concerning Randy Chapel or Carol Nye-Wilson.
22. All Department records between the Department and Paul Godbey from March 2007 to the current date, concerning Randy Chapel or Carol Nye-Wilson.
23. All Department records between the Department and (Susan Chapel or her attorney) from March 2007 to the current date, concerning Randy Chapel or Carol Nye-Wilson.
24. All Department records between the Department and Matt Tuck from March 2007 to the current date, concerning Randy Chapel or Carol Nye-Wilson.
25. All Department records that support the conclusions of the Nancy C. Regan letter to John Hannon in Sept 2008.
26. All Department records that support the conclusions of the Nancy C. Regan letter to Sandra E. Elman in Aug 2008.
27. All Department records that support the conclusions of the Nancy C. Regan letter to Daniel O. Aleshire in Aug 2008.
28. The **ATS** "exception" policy in effect on March 14, 2006.
29. The **ATS** 34 CFR § 602.22 policy in effect on March 14, 2006.
30. The **ATS** 34 CFR § 602.22 policy in effect on August 29, 2008.
31. The current **ATS** 34 CFR § 602.22 policy.
32. The **NWCCU** "exception" policy in effect on March 14, 2006.
33. The **NWCCU** 34 CFR § 602.22 policy in effect on March 14, 2006.
34. The **NWCCU** 34 CFR § 602.22 policy in effect on August 29, 2008.
35. The current **NWCCU** 34 CFR § 602.22 policy.
36. All Department records concerning reviews conducted under 34 CFR §602.33 for **ATS** since 2000.
37. All Department records concerning reviews conducted under 34 CFR §602.33 for **NWCCU** since 2000.
38. All Department records concerning **ATS** compliance reports submitted under 34 CFR §602.31(c) since 2000.
39. All Department records concerning **ATS** compliance reports submitted under 34 CFR §602.31(c) that indicate the 2006 annual report submitted by Western Seminary showing substantive changes to the Th.M. degree offered to Randy Chapel at the San Jose campus for 12 M.Div credits to count for Th.M. credits.
40. All Department records concerning **NWCCU** compliance reports submitted under 34 CFR §602.31(c) since 2000.
41. All Department records concerning **NWCCU** compliance reports submitted under 34 CFR § 602.31(c) that demonstrated the 2006 annual report filed by Western Seminary listed 12 credits of courses offered outside the

NWCCU region to count for the Th.M. degree that were never previously offered by.

42. All Department records concerning **NWCCU** compliance reports submitted under 34 CFR § 602.31(c) that demonstrated the 2006 annual report filed by Western Seminary listed 12 credits of courses were planned for outside the **NWCCU** region to count for the Th.M. degree.

43. All Department records concerning **NWCCU** compliance reports submitted under 34 CFR § 602.31(c) that demonstrated the 2007 annual report filed by Western Seminary that listed 12 credits of courses offered or planned outside the **NWCCU** region to count for the Th.M. degree as they were never previously offered or planned by Western.

44. All Department records concerning **ATS** expansion of scope submitted under 34 CFR §602.31(b) since 2000.

45. All Department records concerning **NWCCU** expansion of scope submitted under 34 CFR §602.31(b) 2000.

46. All Department records concerning **ATS** continued recognition submitted under 34 CFR §602.31(a) since 2000.

47. All Department records concerning **NWCCU** continued recognition submitted under 34 CFR §602.31(a) since 2000.

48. All Department records concerning **ATS** and 34 CFR §602.33 since 2000.

49. All Department records concerning **NWCCU** and 34 CFR §602.33 since 2000.

50. All Department records for citations on or around May - June 2008 to any accreditation agency other than **ATS** or **NWCCU** to whom the Department issued citations for policies or procedures regarding either rejecting or tabling complaints to agencies from any complainants who had filed lawsuits against schools accredited by their respective agency.

51. All Department information notices to all accreditation agencies stating they must not have policies or procedures regarding either rejecting or tabling complaints to agencies from any complainants who filed lawsuits against schools accredited by their agency.

52. All Department records concerning **ATS** 34 CFR §602 et seq noncompliance since 2000.

53. All Department records concerning **NWCCU** 34 CFR §602 et seq noncompliance since 2000.

54. All Department records of senior Department official decisions concerning **ATS** since 2000.

55. All Department records of senior Department official decisions concerning **NWCCU** since 2000.

56. The **ATS** standards or procedures that override *Mary R. v. B. & R. Corp., 149 Cal. App. 3d 308 (1983)* as of March 14, 2006.

57. The **NWCCU** policies or standards that override *Mary R. v. B. & R. Corp., 149 Cal. App. 3d 308 (1983)* as of March 14, 2006.

58. The **ATS** "exception" standards or policies in which schools have a business practice of overriding the law as of 1999.

59. All records between the Department and **ATS** concerning standards or procedures for *exceptions* since 1999.

60. All **ATS** standards or procedures that give **ATS** authority over March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary.

61. All **ATS** standards or procedures that give **NWCCU** authority over March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary.

62. All Department records concerning **ATS**' review of the March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary.

63. All Department records concerning **NWCCU**'s review of the March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary.

64. All Department records involving the General Counsel decisions concerning the March 14, 2006 settlement agreement involving Randy Chapel.

65. The settlement agreement involving Randy Chapel and Western Seminary that provides **ATS** has authority to make determinations regarding the settlement agreement or the validity of the settlement agreement (e.g., which settlement agreement is Nancy C. Regan using – because I don't have a copy of this). Refer to page 2, second to last paragraph of the July 18, 2008 Daniel Aleshire to John Hannon, Randal Roberts, Joyce Jones, Chuck Mula Refer to page 2, last paragraph of the July 21, 2008 Daniel Aleshire to John Hannon, Randal Roberts Refer to page 2, bullet 2 and 3 of the Nancy C. Regan letter to Sandra Elman dated Aug 29, 2008.

66. The settlement agreement involving Randy Chapel and Western Seminary that provides **NWCCU** has authority to make determinations regarding the settlement agreement or the validity of the settlement agreement

(e.g., which settlement agreement is Nancy C. Regan using – because I don't have a copy of this. (Refer to page 2, bullet 4 of the Nancy C. Regan letter to Sandra Elman dated Aug 29, 2008)

67. Records of any **ATS** policies that gives schools authority to exceed or waive State law.
68. Records of any **ATS** policies that gives schools authority to exceed or waive any decisional cases.
69. Records of any **ATS** policies that gives schools authority to exceed or waive FERPA.
70. Records of any **ATS** policies that gives schools authority to exceed or waive Federal law.
71. Records of any **NWCCU** policies that gives schools authority to exceed or waive State law.
72. Records of any **NWCCU** policies that gives schools authority to exceed or waive any decisional cases.
73. Records of any **NWCCU** policies that gives schools authority to exceed or waive FERPA.
74. Records of any **NWCCU** policies that gives schools authority to exceed or waive Federal law.
75. Records that give **WESTERN SEMINARY** authority to exceed or waive State law.
76. Records that give **WESTERN SEMINARY** authority to exceed or waive any decisional cases.
77. Records that give **WESTERN SEMINARY** authority to exceed or waive FERPA.
78. Records that give **WESTERN SEMINARY** authority to exceed or waive Federal law.
79. Records between DeNise.L.Hill@ed.gov and cwils60@hotmail.com
80. Records between donna.wittman@ed.gov and cwils60@hotmail.com
81. Records that show *who* the "appropriate staff" member(s) was to whom Edgar Mayes forwarded Randy Chapel's communications sent to Arne Duncan in the summer of 2010 (June – Aug).
82. Records that show *who* the "appropriate staff" member(s) was to whom Edgar Mayes forwarded Carol Nye-Wilson's communications sent to Arne Duncan in the summer of 2010 (June – Aug).
83. Records that show *who* the "appropriate staff" member(s) was to whom Edgar Mayes forwarded on or before May 19, 2008, Carol Nye-Wilson's letter dated 5-14-08 to Margaret Spellings facts regarding TWO AT-RISK STUDENTS of Western Seminary.
84. Records that show *who* the "appropriate staff" member(s) was to whom Edgar Mayes forwarded on or before February 26, 2008, John Hannon's letter dated 2-26-08 to Margaret Spellings regarding complaints by Randy Chapel and Carol Nye-Wilson that Mr. Mula has not properly dealt with **ATS** and **NWCCU**.

I agree to pay reasonable duplication fees for the processing of this request in an amount not to exceed \$500. However, please notify me prior to your incurring any expenses in excess of that amount.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregated portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

/s/

Charlene Debert

20110714_FOIARequestrev)

Exhibit Y

From: ED FOIA Manager <EDFOIAManager@ed.gov>
Subject: **FOIA Request Acknowledgement 11-01851-F**
Date: July 19, 2011 12:30:41 PM PDT
To: rob <robertelliott01@peoplepc.com>
2 Attachments, 75.0 KB



UNITED STATES DEPARTMENT OF EDUCATION

FOIA REQUEST ACKNOWLEDGEMENT

FOIA Tracking Number: 11-01851-F
Name of Requester: Rob Elliott
E-mail Address: robertelliott01@peoplepc.com
Date of Request: 07/16/2011
Date Request Received: 07/18/2011

Your request (below) has been forwarded to the appropriate office within the Department to search for responsive documents. If you have any questions regarding the status of your request, please contact the FOIA Requester Service Center at (202) 401-8365 or by e-mail at EDFOIAManager@ed.gov (please include the case tracking number).

Thank you.

From: rob [mailto:robertelliott01@peoplepc.com]
Sent: Saturday, July 16, 2011 3:10 PM
To: ED FOIA Manager
Cc: carolnyewilson@yahoo.com
Subject: Fw: 7-14-2011 FOIA REQUEST

Rob Elliott
193 Deep Creek Rd.
Chehalis, WA 98532
robertelliott01@peoplepc.com
July 14, 2011

via email and fax
FOIA Manager
400 Maryland Avenue, SW
Washington, DC 20202-4651
Fax: 202/401-0920

FOIA REQUEST

Pursuant to the Federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of records outlined below. I am aware that the Department of Education allows requests to be submitted other than by regular mail.

I defined **ATS** (Association of Theological Schools) to mean the accreditation agency itself, any board member, administrator or agent of or **attorneys representing the accreditation agency**.

I defined **NWCCU** (Northwest Commission on Colleges and Universities) to mean the accreditation agency itself, any board member, administrator or agent of or **attorneys representing the accreditation agency**.

I define **WESTERN SEMINARY** to mean the school known as Western Seminary located in Portland, OR and formally Los Gatos, CA, any board member, instructor, administrator or agent of or **attorneys representing the school**.

I define **JSTB** to mean the school known as Jesuit School Of Theology at Berkeley located in Berkeley, CA (aka: Jesuit School Of Theology, *Jesuit School of Theology* at Santa Clara University), any board member, instructor, administrator or agent of or **attorneys representing the school**.

I define **ST. PATRICK'S** to mean the school known as St. Patrick's Seminary and University located in Menlo Park, CA, any board member, instructor, administrator or agent of or **attorneys representing the school**.

I define **EDINBURGH** to mean the school known as University of Edinburgh located in Edinburgh, Scotland, any board member, instructor, administrator, including any person associated with the School of Divinity or agent of or **attorneys representing the school**.

I define **records** as defined in 34 CFR § 5.2. Likely places these records can be found: FERPA/FPCO, OCR, FSA, Office of Postsecondary Education, Office of the General Counsel, Office of the Secretary, ASL, AAU.

1. Any records in 2008 that indicate Chuck Mula's supervisor's name.
2. Any records in 2008 that indicate Cheryl Oldham's supervisor's name.
3. Any records in 2008 that indicate Nancy C. Regan's supervisor's name.
4. Any records in 2008 that indicate Carol Griffiths's supervisor's name.
5. Any records in 2008 that indicate Diane Auer Jones's supervisor's name.
6. Department organizational directories or charts showing all supervisors from Chuck Mula's position to Margaret Spellings from March 2007- Jan 15, 2009.
7. All Department records between Chuck Mula and **ATS** from March 2007 to the current date concerning Randy Chapel or Carol Nye-Wilson.
8. All Department records between Chuck Mula and **NWCCU** from March 2007 to the current date concerning Randy Chapel or Carol Nye-Wilson.
9. All Department records between Chuck Mula and Randy Chapel from March 2007 to current date.
10. All Department records between Chuck Mula and Carol Nye-Wilson from March 2007 to the current date.
11. All Department records between Chuck Mula and **WESTERN SEMINARY** from March 2007 to today concerning Randy Chapel or Carol Nye-Wilson.
12. All Department records between the Department and **ATS** from 2006 to today concerning Randy Chapel or Carol Nye-Wilson.
13. All Department records between the Department and **NWCCU** from 2006 to today concerning Randy Chapel or Carol Nye-Wilson.
14. All Department records between the Department and **WESTERN SEMINARY** from 2005 to today concerning Randy Chapel or Carol Nye-Wilson. *OCR may exclude records dated from 2005-2009 as they have already been produced.*
15. All Department records between the Department and **EDINBURGH** from 2007 to today concerning Randy Chapel or Carol Nye-Wilson.
16. All Department records between the Department and **JSTB** from 2007 to today concerning Randy Chapel.
17. All Department records between the Department and **ST. PATRICK'S** from 2007 to today concerning Randy Chapel.
18. All Department records between the Department and Matthew Geyer from March 2007 to today, concerning Randy Chapel or Carol Nye-Wilson.
19. All Department records between the Department and Leonard Sprinkles from March 2007 to today, concerning Randy Chapel or Carol Nye-Wilson.
20. All Department records between the Department and Debbie Godbey (aka Debbie Brumbaugh Debra Brumbaugh, Deb

Brumbaugh, Deb Godbey) from March 2007 to today, concerning Randy Chapel or Carol Nye-Wilson.

21. All Department records between the Department and Willard Brumbaugh from March 2007 to the current date, concerning Randy Chapel or Carol Nye-Wilson.
22. All Department records between the Department and Paul Godbey from March 2007 to the current date, concerning Randy Chapel or Carol Nye-Wilson.
23. All Department records between the Department and (Susan Chapel or her attorney) from March 2007 to the current date, concerning Randy Chapel or Carol Nye-Wilson.
24. All Department records between the Department and Matt Tuck from March 2007 to the current date, concerning Randy Chapel or Carol Nye-Wilson.
25. All Department records that support the conclusions of the Nancy C. Regan letter to John Hannon in Sept 2008.
26. All Department records that support the conclusions of the Nancy C. Regan letter to Sandra E. Elman in Aug 2008.
27. All Department records that support the conclusions of the Nancy C. Regan letter to Daniel O. Aleshire in Aug 2008.
28. The ATS "exception" policy in effect on March 14, 2006.
29. The ATS 34 CFR § 602.22 policy in effect on March 14, 2006.
30. The ATS 34 CFR § 602.22 policy in effect on August 29, 2008.
31. The current ATS 34 CFR § 602.22 policy.
32. The NWCCU "exception" policy in effect on March 14, 2006.
33. The NWCCU 34 CFR § 602.22 policy in effect on March 14, 2006.
34. The NWCCU 34 CFR § 602.22 policy in effect on August 29, 2008.
35. The current NWCCU 34 CFR § 602.22 policy.
36. All Department records concerning reviews conducted under 34 CFR §602.33 for ATS since 2000.
37. All Department records concerning reviews conducted under 34 CFR §602.33 for NWCCU since 2000.
38. All Department records concerning ATS compliance reports submitted under 34 CFR §602.31(c) since 2000.
39. All Department records concerning ATS compliance reports submitted under 34 CFR §602.31(c) that indicate the 2006 annual report submitted by Western Seminary showing substantive changes to the Th.M. degree offered to Randy Chapel at the San Jose campus for 12 M.Div credits to count for Th.M. credits.
40. All Department records concerning NWCCU compliance reports submitted under 34 CFR §602.31(c) since 2000.
41. All Department records concerning NWCCU compliance reports submitted under 34 CFR § 602.31(c) that demonstrated the 2006 annual report filed by Western Seminary listed 12 credits of courses offered outside the NWCCU region to count for the Th.M. degree that were never previously offered by Western.
42. All Department records concerning NWCCU compliance reports submitted under 34 CFR § 602.31(c) that demonstrated the 2006 annual report filed by Western Seminary listed 12 credits of courses were planned for outside the NWCCU region to count for the Th.M. degree.
43. All Department records concerning NWCCU compliance reports submitted under 34 CFR § 602.31(c) that demonstrated the 2007 annual report filed by Western Seminary that listed 12 credits of courses offered or planned outside the NWCCU region to count for the Th.M. degree as they were never previously offered or planned by Western.
44. All Department records concerning ATS expansion of scope submitted under 34 CFR §602.31(b) since 2000.
45. All Department records concerning NWCCU expansion of scope submitted under 34 CFR §602.31(b) 2000.
46. All Department records concerning ATS continued recognition submitted under 34 CFR §602.31(a) since 2000.
47. All Department records concerning NWCCU continued recognition submitted under 34 CFR §602.31(a) since 2000.
48. All Department records concerning ATS and 34 CFR §602.33 since 2000.
49. All Department records concerning NWCCU and 34 CFR §602.33 since 2000.
50. All Department records for citations on or around May - June 2008 to any accreditation agency other than ATS or NWCCU to whom the Department issued citations for policies or procedures regarding either rejecting or tabling complaints to agencies from any complainants who had filed lawsuits against schools accredited by their respective agency.
51. All Department information notices to all accreditation agencies stating they must not have policies or procedures regarding either

rejecting or tabling complaints to agencies from any complainants who filed lawsuits against schools accredited by their agency.

52. All Department records concerning ATS 34 CFR §602 et seq noncompliance since 2000.
53. All Department records concerning NWCCU 34 CFR §602 et seq noncompliance since 2000.
54. All Department records of senior Department official decisions concerning ATS since 2000.
55. All Department records of senior Department official decisions concerning NWCCU since 2000.
56. The ATS standards or procedures that override *Mary R. v. B. & R. Corp.*, 149 Cal. App. 3d 308 (1983) as of March 14, 2006.
57. The NWCCU policies or standards that override *Mary R. v. B. & R. Corp.*, 149 Cal. App. 3d 308 (1983) as of March 14, 2006.
58. The ATS "exception" standards or policies in which schools have a business practice of overriding the law as of 1999.
59. All records between the Department and ATS concerning standards or procedures for exceptions since 1999.
60. All ATS standards or procedures that give ATS authority over March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary.
61. All ATS standards or procedures that give NWCCU authority over March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary.
62. All Department records concerning ATS' review of the March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary.
63. All Department records concerning NWCCU's review of the March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary.
64. All Department records involving the General Counsel decisions concerning the March 14, 2006 settlement agreement involving Randy Chapel.
65. *The settlement agreement* involving Randy Chapel and Western Seminary that provides ATS has authority to make determinations regarding the settlement agreement or the validity of the settlement agreement (e.g., which settlement agreement is Nancy C. Regan using – because I don't have a copy of this).
Refer to page 2, second to last paragraph of the July 18, 2008 Daniel Aleshire to John Hannon, Randal Roberts, Joyce Jones, Chuck Mula Refer to page 2, last paragraph of the July 21, 2008 Daniel Aleshire to John Hannon, Randal Roberts Refer to page 2, bullet 2 and 3 of the Nancy C. Regan letter to Sandra Elman dated Aug 29, 2008
66. *The settlement agreement* involving Randy Chapel and Western Seminary that provides NWCCU has authority to make determinations regarding the settlement agreement or the validity of the settlement agreement (e.g., which settlement agreement is Nancy C. Regan using – because I don't have a copy of this).
Refer to page 2, bullet 4 of the Nancy C. Regan letter to Sandra Elman dated Aug 29, 2008
67. Records of any ATS policies that gives schools authority to exceed or waive State law.
68. Records of any ATS policies that gives schools authority to exceed or waive any decisional cases.
69. Records of any ATS policies that gives schools authority to exceed or waive FERPA.
70. Records of any ATS policies that gives schools authority to exceed or waive Federal law.
71. Records of any NWCCU policies that gives schools authority to exceed or waive State law.
72. Records of any NWCCU policies that gives schools authority to exceed or waive any decisional cases.
73. Records of any NWCCU policies that gives schools authority to exceed or waive FERPA.
74. Records of any NWCCU policies that gives schools authority to exceed or waive Federal law.
75. Records that give WESTERN SEMINARY authority to exceed or waive State law.
76. Records that give WESTERN SEMINARY authority to exceed or waive any decisional cases.
77. Records that give WESTERN SEMINARY authority to exceed or waive FERPA.
78. Records that give WESTERN SEMINARY authority to exceed or waive Federal law.
79. Records between DeNise.L.Hill@ed.gov and cwils60@hotmail.com
80. Records between donna.wittman@ed.gov and cwils60@hotmail.com
81. Records that show *who* the "appropriate staff" member(s) was to whom Edgar Mayes forwarded Randy Chapel's communications sent to Arne Duncan in the summer of 2010 (June – Aug).
82. Records that show *who* the "appropriate staff" member(s) was to whom Edgar Mayes forwarded Carol Nye-Wilson's communications sent to Arne Duncan in the summer of 2010 (June – Aug).
83. Records that show *who* the "appropriate staff" member(s) was to whom Edgar Mayes forwarded on or before May 19, 2008, Carol Nye-Wilson's letter dated 5-14-08 to Margaret Spellings facts regarding TWO AT-RISK STUDENTS of Western Seminary.

84. Records that show *who* the "appropriate staff" member(s) was to whom Edgar Mayes forwarded on or before February 26, 2008, John Hannon's letter dated 2-26-08 to Margaret Spellings regarding complaints by Randy Chapel and Carol Nye-Wilson that Mr. Mula has not properly dealt with ATS and NWCCU.

I agree to pay reasonable duplication fees for the processing of this request in an amount not to exceed \$500. However, please notify me prior to your incurring any expenses in excess of that amount.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregated portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

/s/

Rob Elliott

20110714_FOIARequest(rev

PeoplePC Online
A better way to Internet
<http://www.peoplepc.com>

Exhibit Z

From: ED FOIA Manager <EDFOIAManager@ed.gov>
Subject: **FOIA Request Acknowledgement 11-01901-F**
Date: July 28, 2011 10:42:11 AM PDT
To: Randy Chapel <randychapellegal@gmail.com>
3 Attachments, 506 KB



UNITED STATES DEPARTMENT OF EDUCATION

FOIA REQUEST ACKNOWLEDGEMENT

FOIA Tracking Number: 11-01901-F

Name of Requester: Randy Chapel
E-mail Address: randychapellegal@gmail.com
Date of Request: 06/27/2011
Date Request Received: 06/28/2011

Your request (below) has been forwarded to the appropriate office within the Department to search for responsive documents. If you have any questions regarding the status of your request, please contact the FOIA Requester Service Center at (202) 401-8365 or by e-mail at EDFOIAManager@ed.gov (please include the case tracking number).

Thank you.

From: randychapellegal [mailto:randychapellegal@gmail.com]
Sent: Monday, June 27, 2011 3:59 PM
To: ED FOIA Manager; Rose, Charlie; Duncan, Arne; Jessup, Bennie
Cc: carol nyewilson; Dale Wilson; belinda@bscocolicitors.co.uk
Subject: 20110627_Jessupetal.pdf



[20110627_Jessupetal.pdf \(431 KB\)](#)